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ABSTRACT

The annual report of the National Advisory Council on Indian Education (NACIE) compiles statistical information on the education of American Indians and Alaska Natives and includes recommendations for the improvement of federal Indian education programs. Part 1 describes the purpose and functions of NACIE. Part 2 contains NACIE's recommendations to Congress including revisions to current legislation such as the Indian Education Act. Part 3 presents a chronological view of the development of Indian education during the past 200 years and summarizes resolutions of the White House Conference on Indian Education, adopted January 1992. Part 4 is comprised of a discussion of "Land for Education" and a paper by Kirke Kickingbird and G. Mike Charleston titled, "Responsibilities and Roles of Governments and Native People in the Education of American Indians and Alaska Natives." Part 5 describes grants issued to local educational agencies through the Indian Education Act, and lists fellowship recipients. Part 6 is a paper by D. Michael Pavel titled, "American Indians in Higher Education." Data tables detail enrollments and funding of tribally controlled schools and colleges, Bureau of Indian Affairs schools, and Indian adult education programs. Appendices contain: (1) fiscal year 1992 program profiles; (2) Office of Indian Education showcase project descriptions; (3) tables and figures for Indian Education funding in fiscal year 1992; (4) NACIE Alumni, 1972-1992; and (5) fiscal year 1992 federal register notices. (KS)

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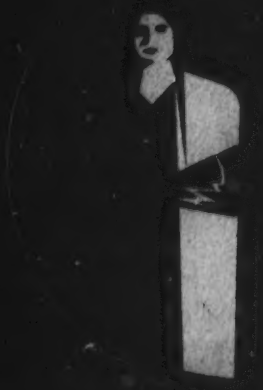

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Fiscal Year 1992 Annual Report

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INDIAN EDUCATION: A FEDERAL ENTITLEMENT

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ANNUAL REPORT COMMITTEE:

William D. Edmo, Chair
Margaret F. Nelson, Member
Francis G. Whitebird, Member
Jim Shore, Member

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

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March 31, 1993

To the Congress of the United States

The National Advisory Council on Indian Education (NACIE) is pleased to submit its ninteenth annual report to the Congress. Some of the recommendations contained herein have been made before. One recommendation to the Secretary of Education which NACIE has made almost every year since the creation of the Department of Education and we again make is to elevate the position of Director, Office of Indian Education to a level equivalent to that of an Assistant Secretary. Each year the Secretary of Education has responded in the negative.

The Department's position is that elementary and secondary education programs should not be dispersed to different principal offices and that having additional people reporting directly to the Secretary would impede administrative efficiency. The Department also has referred to current law which gives the Director of the Office of Indian Education responsibility for coordination of the development of policy and practices of all programs in the Department of Education relating to Indians and Alaska Natives (Indian Education Act, Section 5341 (b)(2)(D)). It has been the Department's view that this statutory language should be sufficient to ensure national coordination of programs serving Native Americans.

NACIE cannot help but notice that Indian Education appropriations have not fared well when compared with Chapter 1 appropriations, both of which are housed within the Office of Elementary and Secondary Education. The argument used by the department against elevating the Office of Indian Education does not seem to apply to the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) which is no less of an elementary and secondary education program as Indian Education. Yet, the Director of OBEMLA serves at a level equivalent to that of an Assistant Secretary. NACIE also notes that the Director of the Office of Indian Education, according to the statutory language, is responsible for coordination of the development of policy and practices of all programs in the Department of Education relating to Indians and Alaska Natives, but does not have authority commensurate with this responsibility.

NACIE strongly believes that Indian education is legitimately the first federal entitlement program. Our report dedicates a chapter to this.

While NACIE supports the National Education Goals for American Indians and Alaska Natives which incorporates the six National Education Goals, a review of Indian policy indicates that the best federal Indian education policy is one which would allow for differences while at the same time be inherently fair. We request that all forthcoming legislation for the implementation of the National Education Goals specifically address the needs of American Indians and Alaska Natives.

PRESIDENTIAL APPOINTEES IN FISCAL YEAR 1992

As provided in 5 U.S.C. 1233(b), these members continue to serve until the President appoints their successors.

Chair:
Francis G. Whitebird (Rosebud Sioux)
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John W. Cheek (Creek), Special Assistant
Bob W. Tenequer (Laguna Pueblo), Management Information Specialist
Michael Barnhart, Fiscal Specialist

STATEMENT OF NACIE'S PHILOSOPHY

The National Advisory Council on Indian Education (NACIE) believes that education is the means by which culture and tradition are passed from one generation to the next. Education is also the means by which progress is achieved, where each succeeding generation will be able to improve its standard of living and where societies may live in harmony with each other and with nature. We believe that as American Indians and Alaska Natives we are ultimately responsible for the education of our people. We are also responsible for preserving and protecting our many and varied cultures. As a council, we have the responsibility for ensuring that Indian people of all ages have access to the best educational possibilities to insure our future wellbeing in a global society.

In the past, American Indian tribes and Alaska natives fulfilled our responsibility to provide an education for our people. We successfully transmitted our cultures, traditions, and skills from one generation to the next. We were independent. But, because we are now a small segment in our own country, many changes have necessarily come about in our ways of life. Subsequently, there have been many barriers to maintaining our values while, at the same time, learning to exist among foreign cultures. Some of these barriers have appeared at times to be almost insurmountable. Only through education can we hope to build strong individuals and communities to participate successfully in modern society.

NACIE maintains the position that the federal government has a legal and moral obligation to provide education for American Indians and Alaska Natives. Our future is much too important for us to rely solely on what others determine is important in the education of our people. Therefore, NACIE resolves to make every effort to encourage the best possible education commitment by the federal government for American Indian and Alaska native people.

INDIAN EDUCATION: A FEDERAL ENTITLEMENT

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NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Fiscal Year 1992 Committees

EXECUTIVE COMMITTEE

Chair	Eddie L. Tullis
First Vice-Chair	Omar J. Lane
Second Vice-Chair	Jim Shore
First Member-At-Large	Margaret F. Nelson
Second Member-At-Large	Andrea L. Barlow

LEGISLATIVE, RULES, REGULATION AND PROGRAMS COMMITTEE

Chair	Omar J. Lane
Member	Darius "Kanie" St. Paul
Member	Marie C. Cox

COMMUNICATIONS COMMITTEE

Chair	Andrea L. Barlow
Member	Ronald P. Andrade
Member	Margaret F. Nelson

INTERAGENCY AND TRIBAL RELATIONS COMMITTEE

Chair	Jim Shore
Member	Helen M.Scheirbeck
Member	James A. Hunt

SCHOOL QUALITY CONTROL COMMITTEE

Chair	Margaret F. Nelson
Member	Marie C. Cox
Member	Joan K. Harte
Member	Darius "Kanie" St. Paul

SEARCH COMMITTEE

All Council Members

PROPOSAL REVIEW COMMITTEE

All Council Members

FOREWORD

The 19th Annual Report of the activities and recommendations of the National Advisory Council on Indian Education (NACIE) is hereby submitted to the Congress. The reporting period is fiscal year 1992, covering October 1, 1991 through September 30, 1992. This report is required by section 5342(b)(7) of Public Law 100-297.

The Council has been in existence since 1973 and held its first meeting in Arlington, Virginia, on May 19, 1973. The Indian Education Act (Title IV, Public Law 92-318), originally enacted in 1972, established the Council to consist of 15 members who are Indians and Alaska Natives appointed by the president of the United States from lists of nominees furnished from time to time by Indian tribes and organizations and representing diverse geographic areas of the country. A member of the council is appointed for a term not to exceed three years, but pursuant to 5 U.S.C. 1233(b), serves until the president reappoints the member or appoints a successor.

The Council has been reauthorized over the years with the last such action in the Indian Education Act of 1988 (Part C, Title V, Public Law 100-297). The Indian Education Act of 1988 has, subject to section 448(b) of the General Education Provisions Act, authorized the Council to continue to exist until October 1, 1993. That act delineates the Council's statutory functions and provides authorization for appropriations for the Council. The Council's charge has remained virtually unchanged in these reauthorizations and includes, among other things, the duty to advise the Secretary of Education with respect to the administration of any program in which Indian children and adults participate or from which they can benefit, and the duty to submit to the Congress each year an annual report, including any recommendations necessary for the improvement of federal education programs in which Indian children and adults participate or from which they can benefit.

Since 1988, the Council has compiled, from various sources, existing statistical information on the education of American Indians/Alaska Natives, and the federal funds used exclusively to serve Native education needs for inclusion in the annual report to Congress. This compilation includes programs administered by the Bureau of Indian Affairs, the Office of Indian Education and other programs administered within the Department of Education, as well as other departments that have set-asides for American Indian and Alaska Native students or the provision of funds based on the number of Indian students, such as Impact Aid. The Council will continue to provide this type of data for Indian constituents, congressional personnel and agencies of the federal government in an ongoing effort to assess the current state of Indian education in America. This year, the Council has included articles written by Indian educators which appear to further elaborate on our recommendations.

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION
Authority and Functions

AUTHORITY

The National Advisory Council on Indian Education is authorized by section 5342 of the Indian Education Act of 1988 (Title V, Part C, P.L. 100-297, as amended by P. L. 100-427; 25 U.S.C. 2642). The Council is governed by the provisions of Part D of the General Education Provisions Act (P.L. 90-247, as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C.A. Appendix 2), which sets forth standards for the formation and use of advisory committees.

PURPOSE AND FUNCTIONS

The Indian Education Act of 1988 charges the Secretary of Education with, among other things, the responsibility for carrying out: (1) a program of financial assistance to local education agencies to develop and carry out elementary and secondary school programs designed to meet the special education and culturally related academic needs of Indian children under section 5312 of the Act; (2) a program of financial assistance for the improvement of education opportunities for Indian children, under section 5321(a) of the act; (3) a program of financial assistance for programs and projects to train individuals to teach Indian children or administer special programs and projects to meet the special education needs of Indian people under sections 5321(d) and 5322 of the Act; (4) a fellowship program for Indian students under section 5323 of the Act; (5) a program to establish centers for gifted and talented Indian students at tribally controlled community colleges under section 5324 of the Act; and (6) a program of financial assistance for the improvement of employment and education opportunities for adult Indians, under section 5330 of the Act.

The Council advises the Secretary and the Congress. More specifically, the Council:

1. Advises the Secretary of Education with respect to the administration (including the development of regulations and administrative practices and policies) of any program in which Indian children or adults participate or from which they can benefit, and with respect to adequate funding of such programs and to include advice to the Secretary of Education regarding the meaning of the term "Indian" as set forth in section 5351(4) of the Indian Education Act of 1988;

The Council attended to this mandate partly through proposal reviews that are conducted annually. Changes in regulations that were proposed as a result of

those reviews were contained in recommendations for funding of applications under subparts 1, 2, and 3 of the Indian Education Act, which were made to the Secretary of Education. Regulatory changes that the Council found needing attention were primarily those that were not being implemented by the Department due to lack of appropriations for such programs as planning, pilot, and demonstration awards under Subpart 1 of the Indian Education Act and the funding of a second Gifted and Talented Center as authorized in the Act.

2. Reviews applications for assistance under the Indian Education Act of 1988, and makes recommendations to the Secretary with respect to their approval;

During fiscal year 1992 two proposal review sessions were conducted by the Council's Proposal Review Committee in cooperation with the Office of Indian Education. The first of these reviews was held March 17-20, 1992, and included a review of the highest scoring applications as identified by the Office of Indian Education (OIE) prior to the NACIE review. The applications reviewed were received under subparts 1, 2 and 3 of the Indian Education Act. These included: Subpart 1-Discretionary Grants to Indian Controlled Schools; Subpart 2-Educational Services for Indian Children and Indian Fellowship applications; and Subpart 3-Educational Services for Indian Adults. For the most part NACIE's review concurred with the findings of OIE field readers in meeting the intent of the act. Those applications found deficient were noted and justifications provided as to the committee's findings. Written recommendations of the Proposal Review Committee were submitted to the Secretary of Education on April 8, 1992.

On June 16-19 the NACIE Proposal Review Committee conducted the last review of applications proposed for funding during fiscal year 1992. These were programs authorized by Subpart 2 of the Indian Education Act and included: Educational Personnel Development Programs and Planning, Pilot, and Demonstration Projects. Due to an Absolute Priority designation assigned to these programs and the length of time it took for final regulations to clear the Office of Management and Budget (OMB), the review and awarding of applications occurred later than was usual as did the start-up dates for most awards. The Council made recommendations to the Secretary of Education and Director of the Office of Indian Education with respect to the time frame of award distributions when regulations are changed. The Council made a recommendation that any future changes in regulations be made one fiscal year prior to the fiscal year in which they are to be implemented. **It should be noted that NACIE has never received a written response from the Secretary of Education on any findings of the proposal review committee with respect**

to the funding of any application under the Indian Education Act. Without a formal response to NACIE recommendations it is difficult to ascertain whether any of the recommendations have had any measurable affect in the awarding of Indian Education Act funds.

3. Evaluates programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and disseminates the results of such evaluations;

NACIE produces an annual report which contains a list of programs administered by the Department of Education. These are programs that include Indian tribes and Indian organizations as eligible applicants. This information has been compiled since fiscal year 1988 and continues to be expanded as new programs are found. The Council views its role as encompassing more than just Department of Education programs when obtaining program information. Our recent annual reports have contained additional information on programs which are educational in nature and of interest and benefit to Indian organizations and tribes. We are able to provide a comprehensive look at the effort of the federal government in meeting the educational needs of Native people. No other agency has consistently attempted this effort to the extent that NACIE has in providing the most recent information available on programs targeting American Indians and Alaska Natives.

4. Provides technical assistance to local education agencies and to Indian education agencies, institutions, and organizations to assist them in improving the education of Indian children;

NACIE disseminates information through various means including an annual report which goes to each member of Congress and to Indian organizations and individuals interested in the education of Indian people. In fiscal year 1992, NACIE produced five newsletters with a distribution of 5,000 per printing. NACIE's mailing list consists of: Indian Education Act Subpart 1 grantees (1,200); Indian tribes and Alaska Villages (600); Bureau of Indian Affairs officials (250); 102nd Congress (550); individuals (1,000); and various Indian and non-Indian organizations such as universities, national organizations, newspapers, taskforces etc. (1,400). The NACIE Newsletter keeps the Indian community apprised of national Indian education issues, as well as those programs offering grants for educational assistance. In addition NACIE does an annual update of the Scholarship Field Guide. In fiscal year 1992, approximately 3,000 copies of the guide were distributed to schools, individuals,

congressional personnel, etc. NACIE provided technical assistance by informing Indian tribes and Indians parents about the leverage they possess with local education agencies under the Impact Aid Law. NACIE provides technical assistance by responding to the many requests made by Indian tribes and Indian education agencies. These include everything from address requests to statistical and demographic data on the American Indian/Alaska Native population.

5. Assists the secretary in developing criteria and regulations for the administration and evaluation of grants made under the Indian Education Act of 1988;

The Council continues to make recommendations to the secretary for the purpose of providing assistance in the development of criteria and regulations for the administration and evaluation of grants made under the Indian Education Act of 1988. These recommendations are submitted to the secretary immediately after the application review conducted by the Council. These recommendations are not usually included in the NACIE annual report due to the confidential nature of the review unless there is general recommendation that would improve the process as a whole. Recommendations made by the Council are voluntary since NACIE's assistance was not requested by the Secretary during the period of time covered by this report. It should be noted that the secretary did not request assistance from the Council pertaining to criteria and regulation development for the administration and evaluation of grants in fiscal year 1992. Specifically, no NACIE input was sought during the development stages of an absolute priority designation assigned to certain discretionary categories under the Indian Education Act of 1988.

6. Submits to the secretary a list of nominees for the position of the Director of the Office of Indian Education whenever a vacancy occurs, from which the secretary makes his appointment in accordance with Section 5341(b)(1) of the Indian Education Act of 1988;

In June, 1992, Dr. John Tippeconnic resigned from his position as Director of the Office of Indian Education. Subsection 5342(b)(6) of Public Law 100-297, stipulates that the National Advisory Council on Indian Education shall *"submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in such position occurs,"* and subsection 5341(b)(1) refers to a *"Director of the Office of Indian Education, who shall be appointed by the Secretary from a list of nominees submitted to the Secretary by the National Advisory Council on Indian Education."* The Director, when selected by the Secretary according to subsection 5341(b)(3) *"shall be*

compensated at the rate prescribed for, and shall be placed in, grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall perform such duties as are delegated or assigned to the Director by the Secretary. The position created by this subsection shall be in addition to the number of positions placed in grade 18 of such General Schedule under section 5108 of title 5, United States Code." The Council has always maintained that it has the full responsibility of searching for a Director of the Office of Indian Education (OIE) whenever a vacancy occurs. According to law, neither the Secretary nor Personnel Management Services (PMS) has responsibility in the search process until after NACIE submits a list of nominees to the Secretary. Thereafter, the Secretary may do whatever is necessary to assure that a proper appointment is made.

Due to a lack of continuity in the membership of the Council and staff, as well as leadership and personnel changes in the Department of Education, some inconsistencies and confusion have evolved as to who has what responsibility in the search for the Director of OIE. The Council's role in the search process has been inconsistent over the past few years which has led to a diminished effort in the selection of a Director for the Office of Indian Education. Council responsibility under the law requires that a list of nominees be submitted to the Secretary. This is interpreted to mean that a list is submitted with which the Council is satisfied. NACIE would be remiss in this fiduciary responsibility if a list of nominees were submitted who did not have the Council's confidence in their ability to carry out the responsibilities of the Indian Education Act. The Council makes this judgment on the basis of what is considered to be in the best educational interest of Indian children and adults.

7. Submits to the Congress no later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of federal education programs in which Indian children and adults participate, or from which they can benefit, and a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs.

The Council submitted the final version of the 1992 fiscal year annual report on March 30, 1992. This was the first time in five years that the report was completed and submitted on time. The report entitled Indian Education: Whose Responsibility? is the 18th annual report of the Council and contains recommendations the Council deemed necessary for the improvement of education programs for Indian people. Included also was an analysis of other federal programs serving American Indians. These were included because the Council considers them important enough to the Indian community to warrant

changes in program implementation to better meet their needs or to request increases in federal funding.

Summary: As indicated by the preceding, six (6) of seven (7) mandates, require NACIE to interface with one or more branches or agencies of the federal government. The only mandate which does not specifically require NACIE to interface with either the Congress or the Secretary of Education is the one which requires NACIE to provide technical assistance to local education agencies and to Indian education agencies, institutions, and organizations to assist them in improving the education of Indian children. While this particular mandate is primarily accomplished through telephone inquiries, newsletters, and reports, the amount of time devoted to technical assistance to individuals and organizations takes up the majority of staff hours.

In addition to meeting the requirements of mandated functions, the Council must continually adhere to administrative directives from the Department of Education. This is accomplished by developing, modifying and projecting budgets, meeting departmental directives, attending required meetings, filing reports, and maintaining financial obligations and expenditures on the Department's Primary Accounting System. These administrative requirements of the NACIE office are identical to other Department of Education agencies housing 100 or more employees.

The NACIE membership is authorized at fifteen, but at the end of September 1992 the number of valid appointments was thirteen. Not having a full membership of the Council decreases the effectiveness by creating an extra burden on remaining members who must be relied upon to perform mandated functions. The fewer members there are also increases the chances that a quorum will not be met when conducting official business. By law, a quorum of eight members must be present for an official meeting, regardless of the number of appointees. The NACIE office is limited in size, as well, with an authorized full-time staff ceiling of four. The average number of staff during the past three years has been two and one-half when measured in full-time equivalents or FTE's.

The budget that the Council has been appropriated over the last five years averages $350,000 annually, an insignificant amount when compared with a $28.3 billion Department of Education budget. Given the modest budget of the Council, a considerable number of administrative functions are required by the Department of Education. The day-to-day functions of the Council in meeting these administrative duties often do not allow the prompt attention needed for every issue that arises. Issues that the Council focuses on usually have a direct bearing on service delivery mechanisms to Indian communities such as equitable funding, regulatory changes in program administration, and funding limits for authorized programs. A significant number of recommendations formulated by the Council deal with agencies outside the Department

of Education. NACIE's authorizing legislation specifies that recommendations deemed necessary for the improvement of federal education programs in which Indian children and adults participate, or from which they can benefit, may be made. NACIE is permitted also to make a statement with respect to the funding of any such program. The law does not restrict NACIE's authority to the Department of Education which is interpreted to mean that NACIE may make recommendations pertaining to any federal education program. Subsequently, we will continue to evaluate other agencies which provided education related services to Indian people.

Recommendations from the White House Conference on Indian Education concerning an Independent Board on Indian Education to oversee all education programs was rejected by an overwhelming majority of delegates. Several state recommendations did note, however, that NACIE should be strengthened to allow increased authority for the Council to become more effective. The Council has proposed language to the Department of Education and the Congress that would address this concern by allowing the Council to make recommendations to any agency of the federal government (see page 13). Since this is already being accomplished to some extent in the annual report, any new language authorizing such a function would greatly enhance and broaden NACIE's ability to interact on behalf of Indian people with the Congress and other federal agencies.

COUNCIL STRUCTURE

The Council consists of 15 members who are American Indians and/or Alaska Native, and are appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations that represents diverse geographic areas of the country. Terms of membership on the Council shall not exceed three years and, in the case of initial appointments, are staggered. The Director of the Office of Indian Education serves as the Designated Federal Official to the Council.

The Council is authorized to establish such subcommittees as are necessary to enable it to carry out its functions. All subcommittees act under the policies governing the Council as a whole. A list of the fiscal year 1992 committees is provided on page *iv*. The Council is authorized to have four professional staff. NACIE is issued a charter by the Department of Education and is governed by the Federal Advisory Committee Act and its regulations and is precluded from lobbying. However, Council representatives may testify before Committees of Congress upon invitation and may submit recommendations for changes in programs in its annual report.

Appendix D, beginning on page 281, lists those who have been appointed to the NACIE Council since 1972 including the most recent appointments.

COUNCIL MEETINGS

The Council meets at the call of the Chairperson, but not less than two times per year. Subcommittees generally meet at the time of each Council meeting, but may meet separately with the concurrence of the Council Chairperson. Meetings are open to the public except as may be determined otherwise in accordance with section 10(d) of the Federal Advisory Committee Act by the Assistant Secretary for Elementary and Secondary Education. Notice of all meetings is given in advance to the public. Meetings are conducted and records of proceedings kept as required by applicable laws and Departmental regulations. See Appendix E for *Federal Register* notices published during fiscal year 1992.

NACIE FY 1992 MEETINGS

November 7-8, 1991
Full Council Meeting
11/7/91-(Closed)
11/8/91-(Open)
Washington, DC

January 21, 1992
Full Council Meeting
(Open Meeting)
Washington, D.C.

March 17-20, 1992
Proposal Review Committee Meeting
3/17-20/92 (Closed Meeting)
Annual Report Committee Meeting
3/20/92 (Open Meeting)
Washington, D.C.

May 21-22, 1992
Full Council Meeting
(Open Meeting)
Washington, DC

June 15-19, 1992
Proposal Review Committee Meeting
(Closed Meeting)
Washington, D.C.

Copies of the *Federal Register* Notices published for each NACIE Council meeting during the 1992 fiscal year are provided beginning on page 289.

PART 2

RECOMMENDATIONS TO CONGRESS

REAUTHORIZATION RECOMMENDATIONS OF THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (NACIE)

Recommendations Pertaining to the Indian Education Act

1. **The NACIE unanimously supports the reauthorization of the Indian Education Act which will otherwise expire October, 1993.**

A. **As part of reauthorization of the Indian Education Act, NACIE needs to be strengthened to become more effective. NACIE should have the authority to make recommendations to all Federal agencies administering Indian education programs, and a response from those agencies should be required. Several major Indian organizations including: the National Congress of American Indians (NCAI); the National Indian Education Association (NIEA); the Affiliated Tribes of Northwest Indians (ATNI); and the United South and Eastern Tribes (USET) passed resolutions supporting the reauthorization of NACIE and the Indian Education Act. Recommendations to strengthen NACIE were also suggested by a number of state representatives at state pre-conferences of the White House Conference on Indian Education. The following is the current section of P.L. 100-297 (§ 5342) and proposed language for strengthening NACIE as reflected in those resolutions.** (New proposed mandates are in bold italics.)

CURRENT AUTHORIZING LANGUAGE	PROPOSED LANGUAGE
NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION	**NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION**
(a) IN GENERAL --	**(a) IN GENERAL --**
(1) There is hereby established the National Advisory Council on Indian Education (hereafter referred to as the "National Council"), which --	(1) There is hereby established the National Advisory Council on Indian Education (hereafter referred to as the "National Council"), which --
(A) shall consist of 15 members who are Indians appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and	(A) shall consist of 15 members who are Indians appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations, and
(B) shall represent diverse geographic areas of the country.	(B) shall represent diverse geographic areas of the country.

CURRENT AUTHORIZING LANGUAGE	PROPOSED LANGUAGE
(2) Subject to section 448(b) of the General Education Provisions Act, the National Advisory Council shall continue to exist until October 1, 1993.	(2) Subject to section 9 of the Federal Advisory Committee Act, the National Council shall continue to exist until October 1, 2000.
(b) **FUNCTION.--The National Council shall--**	(b) **FUNCTIONS.--The National Council shall --**
(1) advise the Secretary with respect to -- (A) the administration (including the development of regulations and of administrative practices and policies) of any program -- (i) in which Indian children and adults participate, or (ii) from which they can benefit, and (B) adequate funding of such programs;	(1) advise the Secretaries of any Federal department which operate of funds federal education and related programs with respect to -- (A) the administration (including the development of regulations and of administrative practices and policies) of any program -- (i) in which Indian children and adults participate, or (ii) from which they can benefit, and (B) shall represent diverse geographic areas of the country.
(2) review application for assistance under this part and make recommendations to the Secretary with respect to their approval;	*(2) review contract specifications and make recommendations to the appropriate Secretary with respect to their content when such contracts may have an impact on Indian education, and are offered by agencies of the federal government;*
(3) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;	(3) evaluate programs and projects carried out under any federal education or related program in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

CURRENT AUTHORIZING LANGUAGE	PROPOSED LANGUAGE
(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;	***(4) serve as a data collection center on Indian education;***
(5) assist the Secretary in developing criteria and regulations for the administration and evaluation of grants made under subpart 1;	(5) provide technical assistance to local education agencies and to Indian tribes, Indian education agencies, institutions and organizations to assist them in improving the education of Indian children;
(6) submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in such position occurs, and	(6) submit to the ***Secretaries of Education and Interior***, as applicable, a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in such position occurs;
(7) submit to the Congress by no later than June 30 of each year a report on its activities, which shall include- (A) any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, and (B) statements of the National Council's recommendation to the Secretary with respect to the funding of any such programs.	***(7) assist Indian tribes in coordinating a national forum on Indian education in 1994 and 1996 for the purpose of assessing the progress of the recommendations of the White House Conference in Indian Education; and***
	(8) submit to the Congress and to the President by no later than June 30 of each year, or more often if it deems this necessary, reports on its activities, which shall include (A) any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, and (B) statements of the National Council's recommendations to each Secretary with respect to the funding of any such programs.

CURRENT AUTHORIZING LANGUAGE

(c) CONTRACTING.--With respect to functions of the National Council described in paragraphs (2), (3), and (4) of subsection (b), the National Council in authorized to contract with any public or private nonprofit agency, institution, or organization for assistance in carrying out any such functions.

PROPOSED LANGUAGE

(c) GIFTS.-- The National Council shall have authority to accept, on behalf of and in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the National Council in furtherance of a National Forum or for any other purpose it may deem necessary. Such grants, gifts, or bequests offered the National Council shall be paid by the donor or his representative into the Treasury of the United States in a special account to the credit of the National Council for the purpose of this part.

(d) CONTRACTING.--With respect to functions of the National Council described in paragraphs *(2), (3), (4), (5) and (7) of subsection (b)*, the National Council is authorized to contract with any public or private for profit, or private nonprofit agency, institution, or organization for assistance in carrying out such functions.

(e) FEDERAL AGENCY COOPERATION AND ASSISTANCE.--

(1) Each federal department and agency shall cooperate with and provide assistance to the National Council upon request made by the National Council under subsection (b)(7). For that purpose, each federal department and agency is authorized and encouraged to provide personnel to the National Council.

CURRENT AUTHORIZING LANGUAGE	PROPOSED LANGUAGE
(d) FUNDING.--From sums appropriated pursuant to section 400(d) of the General Education Provisions Act which are available for Part D of such Act, the Secretary shall make available such sums as may be necessary to enable the National Council to carry out its functions under this section.	*(2) The Secretaries of the Department of Health and Human Services, the Department of Interior, the Department of Education and the Department of Labor are authorized to detail personnel to the National Council, upon request, to enable the National Council to carry out its functions under this part.*
SEC. 5343. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated for fiscal year 1989, and each of the 4 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this subpart.	*(f) PERSONNEL.-- In carrying out the provisions of this part, the National Council is authorized to engage such personnel as may be necessary to assist the National Council, without regard for the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.*
	(g) FUNDING.--There are authorized to be appropriated for each fiscal years *1994, 1995, 1996, 1997, 1998, 1999, and 2000* such sums as may be necessary to carry out this part. Such sums shall remain until expended.
	SEC. ___. AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated for fiscal year 1994, and each of the 6 succeeding fiscal years, such sums as may be necessary to carry out the provisions of this subpart.

2. **NACIE recommends that the Indian Fellowship Program under Subpart 2 of the Indian Education Act be amended to read: *Fellowship Requirements. Any person receiving a fellowship under this section shall agree either to repay such assistance or to work for a period equivalent to the period of time during which such person received assistance, and such work shall be in an activity directly related to serving the American Indian or Alaska Native community. The Secretary may waive this requirement in extraordinary circumstances.***

   Comment: The Council has received reports that successful applicants to the Indian Fellowship Program have included students with little or no ties to the American Indian or Alaskan Native communities. In addition, some students who are successful applicants have refused scholarships to other programs requiring a demonstration of commitment. While Indian education is a trust responsibility, until or unless resources are available to provide every qualified Indian student with a scholarship, the true implementation of trust responsibility is impractical and some method to award deserving students is needed. Under current conditions (many applicants and limited resources) some process must be implemented which recognizes and rewards those applicants who have an honest commitment to the American Indian or Alaskan Native community. The rationale for this recommendation is that the above provision will not result in an undue hardship since applicants who have a genuine commitment to their community will have a desire to work for it, and if this is not feasible through no fault of their own, the Secretary may waive this requirement.

3. **Subpart 1 of the Indian Education Act be redirected to emphasize planning, pilot and demonstration projects. These projects should require a plan for assumption of local responsibility for subsequent educational services.**

   Comment: The Indian Education Act was signed into law on June 23, 1972. Since that time, and as the result of the Act, many programs have been created which have proven beneficial to Indian children and adults. The majority of these programs were created under Subpart 1, Formula Grants to Local Education Agencies (LEAs). There is little evidence that effective programs have been incorporated into the regular school programs of any of the LEAs, but instead are completely dependent on continued funding at or above the same level. The rationale for this recommendation is that the focus of Subpart 1 be redirected toward planning, pilot and demonstration projects with the end result being that the LEA assume financial responsibility for successful projects.

4. It is recommended that the fiscal year 1994 budget request for the Office of Indian Education (OIE) be identical to the budget request which the Department supports for the Office of Bilingual Education and Minority Language Affairs (OBEMLA), and that each year thereafter, the OIE budget request be congruent with Chapter I appropriations at the current annual rate of increase or the consumer price index rate in constant dollars, whichever is greater.

Comment: The same comment as 5. below.

5. It is recommended that there be a change in the role of the Director of the Office of Indian Education. The language in the law should be changed to read:

Director. --

(1) The Office of Indian Education shall be headed by a Director of the Office of Indian Education, who shall be appointed by the Secretary from a list of nominees submitted to the Secretary by the National Advisory Council on Indian Education.

(2) The Director of the Office of Indian Education shall --

- ***(A) be responsible for administering the provision of this part,***
- ***(B) be responsible for the development of all policies and procedures relative to the implementation of this part,***
- ***(C) be involved in, and primarily responsible for, the development of all policies affecting Indians and Alaska Natives under programs within the Department of Education,***
- ***(D) maintain data on education programs relating to Indians and Alaska Natives including annual expenditures, number of program beneficiaries, progress achieved, etc.,***
- ***(E) coordinate the development and implementation of policy and practices for all federal education programs relating to Indians and Alaska Natives,***
- ***(F) waive any requirement of any statute or of the regulations issued under such statute pertaining to federal education programs relating to Indians and Alaska Natives.***

(3) The Director of the Office of Indian Education shall report directly to the Secretary of Education.

Comment: As indicated by the profiles section of this report beginning on page 229, responsibility for Indian education is shared by several offices within the Department of Education as well as by several departments within the federal government. More than one billion dollars is spent annually by the federal government for Indian education programs. American Indians and Alaska Natives are the most under represented disadvantaged group of people in the United States. We are the only group of people who have a special historical and political relationship with the federal government as outlined in the United States Constitution. This relationship has been exemplified by federal involvement and federal responsibility for Indian education for more than 150 years as indicated in Part 3. In spite of the above, a focal point for the coordination of all federal Indian education programs does not exist.

A Director of the Office of Indian Education who reports directly to the Secretary of Education would be better able to adequately represent the educational needs of American Indians and Alaska Natives than a director who reports to an assistant secretary. The following funding comparison between two similar programs located in the Office of Elementary and Secondary Education clearly shows how Indians have fared under an assistant secretary responsible for many other programs besides Indian education:

	ESEA of 1965	Indian Education Act
Fiscal Year	Chapter I Approp.	Subpart 1 Approp.
1980	$2,731,682,000	$52,000,000
1981	2,611,387,000	58,250,000
1982	2,562,753,000	54,960,000
1983	2,727,588,000	48,465,000
1984	3,003,680,000	50,900,000
1985	3,200,000,000	50,323,000
1986	3,062,400,000	47,870,000
1987	3,453,500,000	47,200,000
1988	3,829,600,000	49,170,000
1989	4,026,100,000	52,748,000
1990	4,768,258,000	54,276,000
1991	5,557,677,000	56,259,000
1992	6,135,000,000	56,965,000
1993	6,125,922,000	59,305,000

Chapter I funding increased by 124% in 13 years while Subpart 1 funding increased by only 14% during the same period.

6. NACIE recommends that its function to "submit to the Secretary a list of nominees for the position of Director of the Office of Indian Education whenever a vacancy in such position occurs" be defined to mean that the Council may interview any qualified applicant for the position, rather than only those applicants which have been determined "best qualified" by the Department of Education's Personnel Management Service.

Comment: The process which takes place when a vacancy occurs in the position of Director of the Office of Indian Education has never been consistent. At one point, NACIE was almost exclusively responsible for the search process including: finalizing the position description; advertising the vacancy; receiving and screening the applications; interviewing the candidates; and submitting a list of nominees to the Secretary of Education. During the most recent search NACIE concurred with the position description prepared by the Department of Education's Personnel Management Service (PMS). In addition to finalizing the position description, PMS also advertised the position and received the applications. After the closing date the Department then convened a panel of Senior Executive Schedule (SES) personnel to evaluate the applications. A representative of NACIE was allowed to serve as one of the panel members. This panel makes a subjective evaluation of the knowledge, skills, and abilities (KSA's) of each applicant. Each panel member then assigns an outstanding, superior, fully acceptable, barely acceptable, or unsatisfactory rating for each of the applications based on the KSA's. PMS then assigns numerical weights to the KSA's, and calculates the scores of all applications. Afterwards each application is placed into one of the following five categories:

- Best Qualified
- Highly Qualified
- Fully Qualified
- Minimally Qualified
- Not Qualified

PMS then forwards the applications of the best qualified candidates to NACIE. Usually, when NACIE requests the second highest ranking applications (Highly Qualified) PMS complies. However, during the most recent search NACIE's request for the highly qualified applications was denied. This inconsistency has created confusion, and what NACIE considers an erosion of this most important Congressionally mandated function.

7. NACIE recommends that financial need be integrated into the need criterion in discretionary grant applications under the Indian Education Act Programs.

Unlike Indian Fellowship applicants who are funded on the basis of the difference between expenses and resources, there is no such requirement for discretionary grant applicants. The burden of demonstrating financial need for applicants which apply for and receive several times more money than Fellowship applicants does not seem unreasonable.

Comment: Even though the Council subscribes to the philosophy of Indian education being a federal entitlement, it realizes that discretionary program funds by their nature are competitive. Criteria must be established based on a set of priorities to determine how these funds will be allocated. Application guidelines for all discretionary funds include the need criterion. Thus far, need has been defined as an educational need. This recommendation would include financial need as part of the definition of need.

8. **NACIE recommends that a provision for financial disclosure be incorporated in the selection criteria for the Indian Education Act discretionary grant programs Subpart 1 Indian Controlled Schools (ICS); Subpart 2 Educational Services for Indian Children, Educational Personnel Development, Planning, Pilot, and Demonstration Projects; and Subpart 3 Educational Services for Indian Adults. Financial Disclosure, at a minimum, would include a list of other sources of funds being derived from the Indian Education Act and all other programs for the same students which the application is intended to serve. This should not be considered as an undue burden as Fellowship applicants must adhere to the same requirements since they are required to list their "Educational Resources".**

Comment: This recommendation would be a follow up to the recommendation pertaining to financial need. Applicants would demonstrate financial need by revealing other financial resources.

9. **NACIE recommends that all applicants demonstrate how other federal and state programs are being used to meet the need of the intended service population. Some local education agencies (LEAs) receive federal funds through Chapter 1, Title VII, Impact Aid including the 25 percent Indian add-ons, as well as other programs. Indian students who qualify for additional services from other federal or state sources should not be denied them. Applicants should clearly show how Indian students benefit from the programs utilizing these funds. As an example, if an alternative program is proposed which is designed to meet the culturally related academic needs of Indian students, and if each Indian student in this program through Average**

Daily Membership (ADM) or Average Daily Attendance (ADA) generates $3,500 per school year, and 10 Indian students are placed in the program for one half day, then one half of $3,500 each Indian student generates should be contributed by the LEA to the alternative program. This amount would be combined with the amount provided through Title V. The same principal could be used with Chapter I, and Title VII if applicable.

Comment: This will enhance better coordination between programs, and will provide some assurance against supplanting of funds.

10. NACIE recommends that the definition of Indian as found in Section 5351(4)(A) of Public Law 100-297 which says:

(A) a member of an Indian tribe, band, or other organized group of Indians (as defined by the Indian tribe, band, or other organized group), including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside,
(B) a descendant in the first or second degree, of an individual described in subparagraph(A)

be amended as follows:
(A) a member of an Indian tribe, or band (as defined by the Indian tribe or band), including those Indian tribes, or bands terminated since 1940 and those recognized by the State in which they are located,
(B) a descendant in the first or second degree, or an individual described in subparagraph (A) or subparagraph (D),

Subparagraph (D) says: an Eskimo, Aleut, or other Alaska Native, or

Comment: *"Other organized group"* is so broad that it provides a *"loop hole"* for marginal or questionable groups to be defined as *"Indian"*.

11. NACIE recommends that provisions be incorporated into contracts with Indian Regional Technical Assistance Centers (IRTACs) which would prohibit them or their parent companies from competing for Office of Indian Education administered discretionary grants with the entities they were created to serve. This provision should be specified in "requests for proposals" for prospective IRTAC contractors. In the meantime, the Office of Indian Education might consider amending existing contracts for the

operation of IRTACs. Incidentally, center contracts and the majority of discretionary awards are funded with subpart 2 appropriations.

Comment: Indian Regional Technical Assistance Centers (IRTACs) are established to provide technical assistance to grantees and prospective grantees. At present, some parent organizations of these IRTACs apparently compete with the entities they were created to serve. This recommendation would prohibit what appears to be a conflict-of-interest.

12. **Teacher education should remain an absolute priority for Educational Personnel Development (EPD) Programs. However, to assure that targeted rural and isolated American Indian and Alaska Native communities are the beneficiaries as intended, EPD fellowship recipients should be required to make a legal obligation to serve in rural or isolated Indian or Alaska Native communities for each year that a fellowship is received, or be required to pay back the amount of stipend received.**

Comment: This recommendation is made to help meet the need for teachers in rural and isolated Indian or Alaska Native communities. Too often, Indian teacher education programs that are designed to meet the needs for more and better prepared Indian and Alaskan Native teachers in rural or isolated communities are not fulfilled when those applying for entrance into such programs have no real intent to teach in such locations.

13. **Rather than continuing to review applications, NACIE's role should assume a monitoring and oversight role in the application process.**

Comment: Application review seems to be more of an administrative function than one which is advisory. The Council could use it's resources more effectively by monitoring the application review process, and serving in an oversight capacity rather than actually reviewing the applications.

14. **NACIE recommends that it have a more definitive role in defining evaluation and technical assistance. Currently, the use of Indian Regional Technical Assistance contractors has been determined by the Office of Indian Education without NACIE involvement. It is recommended that NACIE have the opportunity to review proposed contract specifications which are funded through the Department of Education and which are intended to benefit**

Indian students. This means that NACIE would review contracts specifications rather than grant applications.

Comment: Contracts usually have more of a universal impact on Indian education than grants. NACIE would be more effective in reviewing contract specifications which may have an effect on Indians and Alaska Natives through out the nation.

15. NACIE recommends that an effort be made to reward LEAs which incorporate successful Subpart 1 grants into their educational programs. This means that they supplant Subpart 1 grants with their own source of funds, and thereby use Subpart 1 formula grants for new and innovative Indian education programs. Such a reward might include the use of their Subpart 1 funds for Planning, Pilot and Demonstration Projects.

Comment: This recommendation is intended to facilitate local assumption of responsibility for programs that work. Though it must remain as an entitlement, a portion of Subpart 1 should begin to focus on innovative programs which work. The majority of Subpart 1 funds are used as formula grants to local education agencies, primarily public school districts. Nearly 90 percent of the Indian children attending schools in grades K through 12th are served by public school districts, but to date, they have not had the opportunity to effectively compete for Subpart 2 and 3 discretionary grants. Due to Indian priority points, public school districts have been ineligible to compete for these grants. Using their Subpart 1 monies for planning, pilot and demonstration programs could stimulate innovation in the public schools.

16. NACIE recommends that a new subsection be added to Section 5314 of Public Law 100-297 which would be similar to Section 5(b)(3) of Title I of Public Law 81-874 allowing for Indian tribal involvement in Subpart 1 Programs. NACIE recommends this involvement be required only (a) if at least 50 percent of the Indian students counted for purpose of Title V by the public school district are from one tribe, or from a consortia of tribes, and (b) if a tribe or a consortium of tribes desires to be involved.

Comment: Many Indian tribes operate supplementary education programs for the benefit of the same students who are served by the Title V Program. Such programs may include Title V Discretionary grants, the Johnson-O'Malley Program, and tribally funded programs. This requirement would facilitate tribal participation and thereby better program coordination. The key word in this

recommendation is "desires" which means that the requirement would be contingent on desire.

17. NACIE recommends that Subpart 1 of Title V (The Indian Education Act), more specifically Sections 5311 and 5313 be amended to include prior to the words "special educational" the following words:

"physical, emotional, and the" to say:

SEC. 5311. DECLARATION OF POLICY

In recognition of the physical, emotional, and the special educational and culturally related academic needs of Indian students in the United States,.....etc.

SEC. 5313. USES OF FEDERAL FUNDS

Grants under this subpart may be used, in accordance with applications approved under section 5314, for-

(1 planning and development of programs specifically designed to meet the physical, emotional, and the special educational and culturally related academic needs.....etc.

RECOMMENDATIONS REGARDING THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

18. NACIE recommends that the local education agency for purposes of the Chapter 1 Program of the Elementary and Secondary Education Act of 1965 be considered as an eligible school attendance area for eligible Indian children in the event these children are not in a school attendance area which is eligible for Chapter 1 services, and that the local education agency be authorized to combine Subpart 1 and Chapter 1 funds to provide coordinated services to eligible Indian children.

Comment: Except in areas within or adjacent to large and defined Indian reservations or Indian communities, Indians and Alaska Natives do not have a sufficient population base nor do they usually have their own urban communities such as "barrios" or "ghettos" as do other low-income families, and therefore do not have enough students in any particular school to allow it to qualify as an eligible school attendance area and thereby receive the benefits of the Chapter 1 Program which is designed to meet the special educational needs of children of low-income families. Unlike the Title V, Subpart I program which is operated by the local education agency level, Chapter I services are provided directly by schools. Yet, each student generates at least four (4) times more money through Chapter 1 than through Subpart 1. The implementation of this recommendation would allow the Subpart 1 program to receive Chapter 1 monies for eligible Indian children for services. This would also enhance coordination of services at the local level.

19. The National Advisory Council on Indian Education recommends that set-asides for schools funded by the Department of Interior be legislatively created for Chapter I part B, C, and Subpart 3 of Part D of Chapter I of the Elementary and Secondary Education Act (ESEA) of 1965.

Comment: Without set-asides for Indian schools funded through the Bureau of Indian Affairs, Indian students do not benefit from such programs.

20. It is recommended that the Department of Education programs listed below have set-asides to assure that Indians are not denied the benefits of programs designed to meet the educational needs of the disadvantaged:

CHAPTER 2 - Federal, State, and Local Partnership for Educational Improvement under Title I of ESEA of 1965

Part A - State and Local Programs
Part B - National Programs and Activities

Title II of ESEA of 1965 - Critical Skills Improvement

Part A - Dwight D. Eisenhower Mathematics and Science Education Act
Part C - Presidential Awards for Teaching Excellence in Mathematics and Science and in Foreign Languages

Title III of ESEA of 1965 - Magnet Schools Assistance

Title IV of ESEA of 1965 - Special Programs

Part A - Women's Educational Equity (Women's Equity Act)
Part B - Gifted and Talented Children Jacob K. Javits Gifted and Talented Students Education Act of 1988
Part C - Allen J. Ellender Fellowship Program
Part F - Secretary's Fund for innovation in Education

Title VI of ESEA of 1965 - Projects and Programs Designed to Address School Dropout Problems and to Strengthen Basic Skills Instruction

Part A - Assistance to Address School Dropout Problems (School Dropout Demonstration Assistance Act of 1988)
Part B - Assistance to Provide Basic Skills Improvement (Secondary Schools Basic Skills Demonstration Assistance Act of 1988)

Title VII of ESEA of 1965 - Bilingual Education Programs (Bilingual Education Act)

Part A - Financial Assistance for Bilingual Education Programs
Part B - Data Collection, Evaluation, and Research
Part C - Training and Technical Assistance

Title VI of the Omnibus Budget reconciliation Act of 1981 (Follow Through Act)

Subchapter D - Follow Through Programs

Education for Economic Security Act -

Title I - National Science Foundation Science and Engineering Education (National Science Foundation and Engineering Education)
Title III - Partnerships in Education for Mathematics, Science, and Engineering Act

Title V -	Asbestos School Hazard Abatement (Asbestos School Hazard Abatement Act of 1984)
Title VIII -	The Equal Access Act
Title IX -	Star Schools Program (Star Schools Program Assistance Act)

Comment: There are no assurances that Indian students and adults with documented needs which are far greater than those of other disadvantaged groups will benefit from the many programs administered by the Department of Education to meet the educational needs of the nation. The lack of a politically significant population base to influence policy makers, combined with the historical and political relationship between Indians and the federal government is sufficient justification for this recommendation. This recommendation is further justified by the fact that schools funded through the Department of Interior's Bureau of Indian Affairs have been historically underfunded. The Indian School Equalization Formula contains weights for various educational needs for which no additional funds are appropriated. The above programs funded through the Department of Education could more effectively meet the educational needs of Indian children.

21. NACIE recommends that the Secretary of Education create a task force to examine, and if necessary, make recommendations to improve the internal management practices of the Office of Indian Education.

Comment: NACIE has received numerous complaints by representatives of Indian tribes, Indian organizations, and local education agencies about what is perceived as an absence of an overall responsiveness and follow up by the Office of Indian Education. Specific complaints include: telephones not being answered; incorrect referrals resulting in multiple calls by caller; rude and non-professional responses by answering party; an apparent lack of delegation of authority; and requests for applications or information not being sent to requesting party.

GENERAL RECOMMENDATIONS

22. The National Advisory Council on Indian Education (NACIE) recommends that Indian education be clearly defined as a federal entitlement program and treated accordingly.

Comment: Indians and Alaska Natives continue to be the victims of fluctuating federal Indian education policies, undependable, inconsistent or insufficient funding patterns for Indian education programs, competition by federal, state, and local governments for exemption from financial responsibility for Indian education, conflict between financial responsibility and program responsibility. These are among some of the causes of the problems exemplified in the Kennedy Report in educating the American Indian. This lack of substantial progress will continue and adversely effect the education of Indian children and adults until a consistent and adequate federal policy for Indian education is clearly defined. From the perspective of NACIE, Indian education should rightfully be the number one priority of the Department of Education. Considering the federal deficit, if it were necessary to cut 90% of Department of Education budget, the only programs which should remain are those programs which benefit Indian children and Indian adults. Indian education as federal entitlement programs must be protected from the laws intended to decrease the federal deficit such as the Gramm-Rudman Hollings Act. It is recommended that Indian education programs be immune from all budget cuts.

23. It is recommended that Indian education be adequately funded from pre-school through and including higher education, and that "adequate funding" be formulated in conjunction with a panel of experts on educational funding which is not less than the average cost across the nation. Adequate funding would include educational programs as well as facilities construction and maintenance. It is recommended that once a base amount is established for an adequate cost to educate Indian students, it thereafter be tied to the consumer price index and adjusted annually for inflation.

Comment: Until designated a federal entitlement, and not a trust responsibility of the federal government, Indian education will be completely at the mercy of federal appropriations. The term "trust" denotes an ambiguous reference by removing responsibility from one agency to another. The federal government has exemplified this by underfunding BIA education programs for those Indian students living on or near reservations and by providing a myriad of programs throughout other departments designed to meet the needs of non-reservation based Indians. Due to serious restrictions in tribal sovereignty which have not

been corrected by the Congress, Indian and Alaska Native nations, with few exceptions, are unable to generate a tax base sufficient to support an adequate education program from grades pre-school through and including postsecondary education. Until or unless the serious restrictions on native sovereignty are rectified, Indians will continue to expect the federal government to fulfill its responsibilities.

24. Indian education program monies which are transferred to the Department of Interior, Bureau of Indian Affairs (BIA) no longer be transferred, but remain and be administered by the Office of Indian Education within the Department of Education to fund BIA schools directly.

Comment: The rationale for this recommendation is that the BIA is not the best agency to administer education programs. Rather than support separate layers of BIA bureaucracy at the Central Office, the area and agency office levels, funds derived from the Department of Education should oo directly to the schools as with Title V, Subpart 1 grants. This will result in a larger amount of direct funding per student being administered and more reasonable and equitable distribution formulas.

25. The definition of handicap or disability be expanded to include children with Fetal Alcohol Syndrome and Fetal Alcohol Effects.

Comment: Children who are effected by Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) do exhibit serious behavior problems which have an adverse effect on learning. If necessary, funds should be made available to determine the extent of these conditions. especially in reservation areas where the affects are most profound.

PART 3

HISTORY OF INDIAN EDUCATION POLICY

HISTORICAL EVENTS IN INDIAN EDUCATION

The following is a chronological view of the development of Indian Education during the past 200 years. Since at least 1775 American Indians have had an ongoing, albeit tenuous relationship, with the United States Government. While a concerted federal effort at educating the Indian has occurred only within the last fifty years, it has originated from the following historical events. These dates lead into the following Chapter 3 text.

1775 Continental Congress approves $500 to educate Indians at Dartmouth College.

1778 September 17, 1778, the first treaty between the United States and an Indian Nation.

1802 Congress approves appropriations for Indian education not to exceed $15,000 annually *"to provide civilization among the aborigines."*

1818 Congress authorizes a civilization fund in the amount of $10,000 to convert Indians from hunters to agriculturalists.

1819 Congress passes a law on March 3, 1819 which states that the act was *"designed to provide against the further decline and final extinction of the Indian tribes adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization."*

1870 Congress authorizes appropriations of $100,000 to operate federal industrial schools for Indians.

1871 Congress ends authority to make treaties with Indian tribes and nations.

1890 Federal tuition offered to public schools to educate Indian children.

1892 Congress authorizes the Commissioner of Indian Affairs to make and enforce regulations on Indian student attendance including the authority to withhold food and services from families that resist the *"educational program"* by refusing to send their children to school.

1906 Congress abolishes Oklahoma Cherokee school system.

1921 Congress passes the Snyder Act of 1921 which instructed the Secretary of Interior *"to direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care and assistance of Indians through the United States"* The monies could be used for *"general support and civilization, including education."*

1928 Meriam Report to the Congress which influenced a change in Indian education policies.

1934 Congress passes the Johnson-O'Malley (JOM) Act which authorizes contracts for welfare and educational services, and which was used to entice public school districts to assume more responsibility for providing an elementary and secondary education for Indian children who reside on Indian reservation lands.

1950 Congress amends Public Law 874 otherwise know as Impact Aid which provides federal subsidizes to public school districts to educate children residing on federal lands including Indian reservations.

1952 Congress passes a program to relocate Indians away from reservations.

1964 Congress passes Economic Opportunity Act which provides for Indian children and adults to participate in Headstart, Upward Bound, Job Corps, Vista, and the Indian Community Action Program.

1965 Congress passes the Elementary and Secondary Education Act which is intended to benefit socially and economically disadvantaged youth. Titles I and III of the act was amended to include Bureau of Indian Affairs (BIA) schools.

1966 Rough Rock Demonstration School which is the first modern day Indian controlled school funded by the federal government opens within the Navajo Nation.

1967 Special Senate Subcommittee on Indian Education is established by Senate Resolution 165.

1968 Navajo Community College as the first tribally controlled Indian community college is established in the Navajo Nation.

1969 Indian Education: A National Tragedy - A National Challenge, the Special Senate Subcommittee Report on Indian Education is released.

1970 Ramah Navajo High School which is the first Indian controlled contract high school opens.

1971 Navajo Nation establishes the first comprehensive tribal education department which contracts to administer the Bureau of Indian Affairs Area Office Title I Program and Higher Education Grants Program.

1972 Congress passes the Indian Education Act which creates an Office of Indian Education within the U.S. Office of Education, defines Indian to include members of state recognized Indian tribes and descendants of Indians, establishes a quasi-entitlement program for Indians attending public schools, and establishes a National Advisory Council on Indian Education.

1975 Congress passes the Indian Self-Determination and Education Assistance Act which opens up contacting.

1978 Congress passes the Indian Education Amendments which establishes standards for BIA schools, institutionalizes BIA school boards, requires formula funding in BIA schools, and provides for increased Indian involvement in the use of Impact Aid funds.

1988 Congress passes Public Law 100-297 which reauthorizes the Indian Education Act and calls for a White House Conference on Indian Education.

1989 Salt River Pima Maricopa Indian Community, through agreement with Mesa Public Schools (Arizona), gains control over Impact Aid.

1991 Indian Nations at Risk Task Force created by Secretary of Education issues report.

1992 White House Conference on Indian Education held resulting in 114 recommendations.

1993 The National Advisory Council on Indian Education recommends to the Congress that Indian education be a federal entitlement program.

A HISTORY OF INDIAN EDUCATION POLICY

Five hundred years ago the native nations and tribes of North America had their first encounter with the western Europeans who saw themselves as the first to discover America. The Indians were friendly and helpful to the newcomers. In return, they became the victims of atrocities and disease to the point of genocide. Millions of people representing entire nations disappeared. Lands that they had occupied for thousands of years were claimed by these Europeans. Further elaboration and more detail on this section from a more legalistic perspective is in the following section by Kickingbird and Charleston.

Land and Intolerance

The Europeans included those who were desperate for gold and riches or desperate for land. American Indians represented obstacles to the pursuit of their goals. Those seeking new lands, some of whom were forced to leave their homeland, came with the intent of establishing themselves with as much new land and freedom from their old world oppressors as possible. Some came with the religious fervor that caused their persecution in the old world. The American Indians possessed the land and had their own religions and cultures vastly different from those of the new settlers. The new settlers were intolerant of these cultural and religious differences. Finding Indians different, the newcomers judged them as inferior and saw them as primitive savages. The untenable convictions of the settlers are exemplified in the experience of the Pequot tribe in 1627. When they resisted the migration of settlers in the Connecticut Valley, Puritan settlers burned a Pequot village and 500 Indians were either burned to death or shot while trying to escape. Survivors were sold into slavery. The Puritans gave thanks that they had lost only two men in the battle. Cotton Mather recorded in his journal gratitude to the Lord that, *"On this day we have sent 600 heathen souls to hell."* Obviously the displacement of the Indian appears to have been viewed almost as a religious crusade.

In the ensuing struggles the non-Indian steadily wrested the Indian land from the Indians -- by war, by trickery and by broken treaty. The Indians fought to protect their families and their rightful use of the land. How much more desperately they might have fought if they could have foreseen the grief and suffering of the two centuries ahead, if they could have foreseen the unfulfilled treaties, the almost total loss of lands; the personal, social, and cultural disintegration that has characterized the Indian experience since *"the coming of the white man."*

Assimilation

Even before the period of conflict, some settlers established schools for the American Indians. However, under the guise of Christianizing and civilizing the Indian, the so called *"Indian schools"* were used by the early settlers to raise monies for their own education. Several of these schools were to become some of the most prestigious non-Indian Ivy League institutions of higher education. Among these are Dartmouth, Harvard, and the College of William and Mary. In the early days, whenever Indians were *"educated,"* their education rendered them essentially unfit for their own native societies or for the non-Indian societies. The education they obtained was one which was used for the purpose of cultural assimilation - again, education was used as a means of christianizing and civilizing *"the heathen."* In mission schools in Florida as early as 1568, Jesuit priests tried to train Indians in the Language and customs of France. In 1617 funds were made available by the king of England to establish a school for the *"children of infidels,"* as Protestants attempted to *"Anglicize the savage."* The Franciscan priests in the Southwest attempted to *"Christianize"* the Indians. On all fronts the emphasis on educating Indians from the European perspective was on cultural *"cleansing"* or assimilation.

The irrelevancy of the education Indians initially received is best exemplified by remarks made by the chiefs in 1744, after the Treaty of Lancaster in Pennsylvania between the government of Virginia and the Six Nations. The Virginia Commissioners offered to the chiefs to educate six of their sons at a college in Williamsburg, Virginia as follows:

> *"Several of our young people were formerly brought up at the colleges of the Northern Provinces; they were instructed in all your science; but when they came back to us, they were bad runners; ignorant of every means of living in the woods; unable to bear either cold or hunger; knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriors, or counselors; they were totally good for nothing. We are however not the less obliged by your kind offer, though we decline accepting it; And to show our greatful sense of it, if the gentlemen of Virginia will send us a dozen of their sons, we will take great care of their education, instruct them in all we know, and make men of them."*

As the new world descendants of the Europeans became stronger, they became better able to impose their will on American Indians. This attitude is reflected by a statement made by Major General John Sullivan on July 4, 1779, as his officers drank a toast, *"Civilization or death to all American savages."* If fortunate enough to be given a choice, weaker Indian nations choose genetic survival as a trade off to cultural extinction.

Some Indian leaders were shrewd enough to recognize and capitalize on the attitude of the European Americans. They would take the initiative and make requests for an education. The earliest official request for an education now available to us in writing was made as Cornplanter negotiated for the Senecas with President George Washington in 1792:

> *"Father, you give us leave to speak our minds concerning the tilling of grounds. We ask you to teach us to plough and to grind corn: that you will send smiths among us, and above all, that you will teach our children to read and write, and our women to spin and weave".*

Leaders of the Cherokee Nation believed that they would be able to fight the government's effort to remove them from their homelands by emulating their American neighbors. With the help of missionaries, they established an extremely successful education system. They were so successful in this endeavor that their populace became better educated than their white neighbors. Unfortunately, in spite of becoming in many aspects a mirror image of their white neighbors, they were unable to prevent their removal. In spite of their success at *"civilization,"* they were removed from their ancestral lands, which were immediately possessed by covetous European Americans.

Land in Exchange for Services

Between 1778 and 1871 when the last treaty was signed, the Indians were forced to cede over a billion acres of land. The compensation offered them for this billion acres of land was education, technical and agricultural training, health care, and the assurance that the land that remained theirs should be theirs *"as long as the grass shall grow."*

In most cases, *"as long as the grass shall grow"* was a very short period. Gold was discovered, good farming land and other assets were recognized, and war began again. A new treaty was signed and the Indian land diminished even further. Once the Indians of America lived on 1,905,000,000 acres of land. By the time Congress had halted treaty-making in 1871, the Indians had about 140 million acres left. The Dawes Severalty Act, more commonly known as the Allotment Act of 1887 facilitated the loss of much of that. President Grover Cleveland, after somewhat reluctantly signing the Dawes Severalty Act, tersely commented, *"hunger and thirst of the white man for Indians' land is almost equal to his hunger and thirst after righteousness."* In the following generation, the Indians lost an additional ninety million acres. Of the original two billion acres, 56,611,426.99 acres or 2.9 percent of their original holdings have been left in their hands.

PART 3 - HISTORY OF FEDERAL INDIAN EDUCATION POLICY

At the time of Columbus the native population of what is now the United States was probably between 3,000,000 and 6,000,000. By 1860 that had dropped to about 340,000. By 1910 to an all-time low of 220,000. Though the population is increasing and now stands close to 2,000,000, in relation to the total population of the United States, American Indians have become a statistically insignificant minority.

The United States government record of Indian Education is no less condemning than the record of treaty violations and insensitive policies of the past two centuries.

The first ray of hope in Indian education came as a result of the Meriam Report published in 1928. The Meriam Report was a survey of social and economic conditions of the American Indian. The two major findings of the Meriam Report were that: (1) Indians were excluded from management of their own affairs, and (2) Indians were receiving a poor quality of services--especially health and education. It condemned the separation of children from their families and stressed the need for a relevant instructional curriculum adapted to the individual needs and background of the students. It recommended that education adapt to the language of the child and the strengthening of the Indian family and social structure, rather than their destruction.

The Meriam Report had significant impact. After its publication and during the period when John Collier was Commissioner of Indian Affairs, an effort was made in federal Indian educational programs to respond to the culture and nature of the Indian people rather than to force them to conform to an alien system. For the first time, Indian teachers were used in Indian schools, teachers were given in-service training and Indian culture was emphasized rather than degraded. It was accompanied by the Indian Reorganization Act of 1934--congressional legislation which laid the groundwork for autonomous tribal governments. For the first time in many years, Indians were to enjoy the right to select their own leaders.

This period of courtesy was only briefly enjoyed. World War II brought a new wave of purifying *"Americanism."* In 1944 a House Select Committee on Indian Affairs offered recommendations to achieve *"the final solution of the Indian problem."* Schools were severely criticized for the pro-Indian changes made at the recommendation of the Meriam Report. Once again taking children out of the home, away from their families was advanced as the one solution which would finally push all Indians into the American mainstream. According to the committee, *"the goal of the Indian education should be to make the Indian child a better American rather than to equip him simply to be a better Indian."* It is hard to understand such an autocratic position in the wake of a great war fought for the preservation of freedom--fought by American Indian soldiers as well as American soldiers.

This new position on education was accompanied by the policy of termination which had as its stated intention *"to get rid of"* Indians as a special group and "get rid of" the special trust status of Indian lands by terminating federal recognition and services and by relocating Indians into cities off reservations.

This policy was formulated in disregard of the recommendations of federal officials who were familiar with Indian problems and without consultation or consent of the Indian people involved. It was carried out in spite of their resistance and in direct violation of treaty agreements. Fortunately, only a few tribes suffered termination, but for these few the results were catastrophic.

The sixties, influenced by aggressive civil rights movements spearheaded by blacks and hispanics, brought another wave of hope and progress to Indian education. In 1961 a *"Declaration of Indian Purpose"* was formulated by Indian leaders in which they repudiated the termination policy and expressed their desire to play a decisive role in planning their own programs.

The enactment of the Economic Opportunity Act in 1965 was the Indians' first opportunity to plan and operate their own programs. Funds were granted directly to elected tribal council to administer programs intended for the benefit of the people on their reservations. Of particular education significance was the Head Start Program.

The entire Head Start Program was based on a philosophy of reaching the disadvantaged child within the framework of his culture. This was in contrast to historical attempts to foster education or development while submerging the child into a culturally disorienting life. In view of the vast differences between Indian cultures and the general modern American culture, a special provision within the Head Start organization seemed necessary. This was further born out by Indian tribal leaders who maintain that their treaties were made with the United States government and that they, therefore, are not subject to negotiations with or regulation by state or regional officials.

In response to the unique needs and peculiar status of Indian tribes, a special Indian Programs Division was created in the Head Start organization. (Now in the Office of Child Development, this office is known as the Indian and Migrant Programs Division). For the first time, through the Indian Programs Division, grants were made directly to elected tribal councils to administer programs intended for the benefit of the people on their reservations. For the first time, Indian leaders were able to control and participate in one of their own educational programs.

Even without prior formal involvement or experience in administering an educational program, many tribes readily accepted the control and have done a commendable job. In most cases the typical Indian Head Start bears far more

resemblance to a non-Indian educational program than to traditional Indian educational processes, illustrating how effectively Indian policy has laid waste to Indian cultures, how completely they have been *"brain-washed"* into believing that the only methods and content of the educational system are non-Indian methods, information and knowledge.

The establishment of Rough Rock Demonstration School on the Navajo Reservation in Arizona was another significant accomplishment of the sixties was the establishment of the first modern day Indian controlled school. Dr. Robert Roessel spearheaded the effort to establish this as an Indian-controlled school. The Office of Economic Opportunity provided the original initiative and primary funds. The school board was composed of five Navajos, only two of whom had any formal education, and meetings were conducted in Navajo. In the classroom, older members of the tribe were used to teach traditional subjects using locally developed and culturally relevant materials.

The 1969 findings of the Special Subcommittee on Indian Education summarized the picture of our national failure in Indian education:

1. The dominant policy of the federal government towards the American Indian has been one of coercive assimilation.

2. The coercive assimilation policy has had a strong negative influence on national attitudes.

3. The coercive assimilation policy has had disastrous effects on the education of Indian children resulting in:

    a. The classroom and the school becoming a kind of battleground where the Indian child attempts to protect his integrity and identity as an individual by defeating the purposes of the school.

    b. Schools which fail to understand or adapt to, and in fact, often denigrate, cultural difference.

    c. Schools which blame their own failures on the Indian student and reinforce his defensiveness.

    d. Schools which fail to recognize the importance and validity of the Indian community. The community and child retaliates by treating the school as an alien institution.

e. A dismal record of absenteeism, dropouts, negative self-image, low achievement, and ultimately, academic failure for many Indian children.

f. A perpetuation of the cycle of poverty which undermines the success of all other Federal programs.

In addition to the general charges based on historical findings, the quality of education available to Indian children, as revealed by the Special Subcommittee on Indian Education Report (1969), was appalling.

Summary

In conclusion, national Indian policy has failed tragically to meet the needs of American Indian children on a basis equal to the educational opportunities afforded non-Indian children. It has done so in flagrant violation of treaties promising an exchange of education for Indian land. The education Indian children have been exposed to has deprecated their culture and either alienated them from the education system per se or alienated them from their Indian heritage and often from themselves.

How can such failure be remedied? A system of Indian education must be developed which: (1) reflects the goals of Indians themselves; (2) honors and recognizes the validity of Indian culture past and present; and (3) provides adequate resources for Indian education to meet the needs of Indian children.

THE EDUCATION OF INDIANS BY INDIANS

Local Indian Control and Cultural Relevance

The idea of Indian involvement and control in Indian education is nothing new. The Cherokee Nation established a Cherokee controlled education system in the 1800's which resulted in a better educated Cherokee population than the surrounding white populations. After Oklahoma became a state in 1906, the Cherokee education system was abolished, and subsequently, their education has never reached its previous level of success.

The Meriam Report in 1928 urged the inclusion of Indians in the management of their own affairs and recommended the adoption of culturally relevant curriculum materials.

However, standard course of study, routine classroom methods, traditional types of schools, even if adequately supplied--and they are not--would not solve the problem. The methods of the average public school in the United States cannot safely be taken over bodily and applied to Indian education. Indian tribes, and therefore, Indians within the tribes, vary so much that a standard content and methods of education, no matter how carefully they might be prepared, would be worse than futile. As indicated in the preceding chapter, the Meriam Report had substantial, if temporary, impact.

In January 1961 a report by the Commission of Rights, Liberties and Responsibilities of the American Indian established by the Fund for the Republic argued for increased Indian determination of and involvement in programs affecting their lives.

In June 1961, a conference of 420 Indian leaders of 67 different tribes was held at the University of Chicago. The conference, intended as a forum in which the individual Indian could express what he desired and discuss the planning of programs, published a forceful statement entitled *"A Declaration of Indian Purpose."* It stated:

> *Basic principle involves a desire on the part of Indians to participate in developing their own programs with help and guidance as needed and requested, from a local, decentralized, technical, and administrative staff, preferably located conveniently for the people it serves. Also, in recent years certain technical and professional people of Indian descent are becoming better qualified and available to work with and for their own people in determining their own programs and needs. The Indians as responsible individual citizens, as responsible tribal representatives, and as responsible tribal councils, want to participate, want to contribute to their own personal and tribal improvements, and want to cooperate with their government in how best to solve the many problems in a businesslike, efficient, and economical manner as rapidly as possible.*

The Declaration also stated that the reasons for failure of government programs in the past were lack of Indian understanding, planning, participation, and approval.

For all its eloquence and factual base, the Declaration had little or no impact on Indian policy. Perhaps it was ignored because of its Indian origin, reflecting the overriding prejudice and conviction of incompetence that has characterized the national attitude towards Indians.

The Udall Task Force Report did not address itself fully to education, but among the recommendations which it made for the improvement of Indian education was the involvement of Indian parents in school planning and participation in the formulation of the school programs.

Four central concepts in the establishment of the Rough Rock Demonstration School seem to have been based not only on such recommendations, but on a basic regard for the personal and cultural independence of Indian people. These concepts advanced by Dr. Robert Roessel were:

1. Indians would never give schools their wholehearted moral support until they were involved significantly as adults and given a measure of control.

2. To non-English speaking children, English must be taught as a second language.

3. The schools should be responsible, not only for educating children, but for assisting in the development of local communities.

4. The schools should help transmit to the young the cultures of their parents.

In November 1966 a conference, Indian Education--The Early Years, sponsored by the National Committee on Indian Education of the Association of American Indian Affairs, and attended by leading Indian scholars and early childhood educators passed three resolutions: 1) supporting an extension of the Indian amendments to the Elementary and Secondary Education Act; 2) urging that young children not be placed in boarding schools but rather expanded, improved facilities me made available in their home communities; and 3) urging *"that Indian history, culture, arts, and crafts be valued and recognized in the education of Indian children and become an integral part of it so that young Indians will take pride in their heritage and identify with it."*

The Joseph Study published in 1969 identified certain important factors which have contributed to the failure of all federal programs for Indians. These important factors apply specifically to the Indian education experience, not only in federal schools, but in public schools, private schools, and often in tribally-operated Indian Head Start programs:

1. Basic deficiencies of knowledge about Indians resulting in actions and programs which bear no relation to the realities of what a tribe, fashioned by a particular history and culture, needed, desired, or could accept and carry out with success.

2. A general lack of vision and historical perspective resulting in the non-Indian's ignoring certain basic truths about Indians:

a. Indians have been here for thousands of years.

b. This is their homeland.

c. They evolved their own distinctive cultures and did not share points of view, attitudes, and thinking that came to the rest of the American population from Judeo-Christian and Western Civilization legacies.

d. Although the Indians were conquered militarily, they are confirming the lesson of history that no people has ever been coerced by another people into scuttling its own culture.

e. Although acculturation and assimilation do occur, they occur only on the individual's own terms.

3. Lack of self-government.

4. Lack of understanding of the Indian experience and the Indian point of view.

5. Inability to listen or accept Indian recommendations for change.

The Carnegie Report of 1969 substantiated previous findings. The authors, Francis McKinley and Glen Nimnicht concluded:

1. that the education provided Indian children is a failure when measured by any reasonable set of standards, and that efforts to correct the problem will be relatively ineffective unless the basic relationships between Indians and white people can also be altered, and specifically unless the paternalistic relationship between the white power structure and the Indian community can be changed; and

2. that the crucial problem in the education of Indian children is the general relationship between white society and the Indian people. This relationship frequently demeans Indians, destroys their self-respect and self-confidence, develops or encourages apathy and a sense of alienation from the educational process, and deprives them of an opportunity to develop the ability and experience to control their own affairs through participation in effective local government.

In January of 1970 Indian members of the National Council on Indian Opportunity presented and delivered a statement to the Vice President Spiro T. Agnew and Cabinet members at a meeting of the council in the White House. The statement was based on needs and contained recommendations for solutions in a number of important political and economic issues. They recommended the following policy initiatives:

1. that a Comprehensive Indian Education Act be submitted to Congress designed to meet the special needs of Indians and providing for Indian input, contracting authority with tribes and communities and better policies for administering Indian education funds;

2. that the Civil Rights Enforcement Office of HEW investigate discrimination against Indians in schools receiving Federal funds;

3. that a permanent Indian education subcommittee be established in each house of the Congress;

4. that funds for Indian education be substantially increased;

5. that the present reorganization of the BIA assign to the assistant commissioner for education the responsibilities of a superintendent of Federal schools, having direct line control over the operation of the schools, including budgets, personnel systems and supporting services;

6. that the Bilingual Education Act receive sufficient funding so that an expanded program would be available to all Indian and Eskimo children;

7. that courses in Indian language, history, and culture be established in all Indian schools including those slated for state control, and that a revision of textbooks be undertaken to make them relevant to an Indian child's experience and to eliminate derogatory references to his/her heritage;

8. that phasing out BIA boarding schools become a policy goal;

9. that tribal control of schools with the continuation of federal funding be implemented upon the request of Indian communities;

10. that training programs in Indian cultures and value systems be provided to teachers, administrators, and dormitory counselors--be they Anglo or Indian;

11. that the need for a far greater number of Indian teachers must be recognized and the Civil Service regulation that protects by tenure incompetent and prejudiced teachers from dismissal be eliminated;

12. that federal funds be provided for the establishment of tribal community colleges;

13. that, recognizing the first five years of life as being of great importance in proper child development, there be an expansion of Head Start and kindergarten programs for Indian schools rather than a reduction. They also stressed the fifty necessity for a continuous process of Indian input into the Head Start organization and operation; and

14. that modern education communication techniques be utilized to enhance the educational opportunities for all Indian people.

Seemingly as a direct result of the statement of the Indian members of the National Council on Indian Opportunity, President Nixon sent to Congress a message on Indian Affairs, July 8, 1970. The general theme was a theme of self-determination for Indian people. It rejected coercive assimilation and urged the repeal of House Resolution 108 (the Termination Bill of 1953). His statement and the corresponding changes coincided almost exactly with the demands that Indians had been making since 1961. Basically, his message proposed: 1) the rejection of termination; 2) the Indians' right to control and operate Federal programs; 3) the restoration of Blue Lake and surrounding Sacred Lands to the Taos Pueblo Indians; 4) Indian community control over Indian schools; 5) direct channeling of Johnson-O'Malley funds to Indian tribes and communities rather than to school districts; 6) legislation for Economic Development; 7) increased health care funds; 8) help for Urban Indians; 9) Indian Trust Counsel Authority; and 10) an Assistant Secretary for Indian and Territorial Affairs.

In the following November, the BIA announced dramatic changes in structure, procedures, and philosophy designed to accelerate the attainment of Indian self-determination. The President's message and resulting bureau changes were large and historic steps forward.

Another significant victory in Indian control of Indian educational programs came in September 1970. During the previous year a national Indian Head Start Advisory Committee to Indian Migrant Programs Division had been formed to insure constant top level input from Indian leaders. This advisory committee was composed of area representatives elected by tribal councils. They met regularly and formulated recommendations for Indian Head Start policies and procedures.

During the summer of 1970 a great amount of political pressure was exerted on the national Office of Child Development to decentralize the administration of Indian Head Start into the various regions of Health, Education and Welfare, in direct conflict with the traditional Indian political position. Resolutions to the contrary were passed by tribal councils throughout the nation. In a meeting in Denver in September 1970, these resolutions were presented by the Indian Head Start Advisory Committee to the director of the Office of Child Development, Dr. Edward Zigler, and the director of the national Head Start Program, Richard Orton. Dr. Zigler resolved that the administration of Indian Head Start would not be *"regionalized,"* but rather would remain at the national level and Indian and Migrant Programs Division would be viewed as a separate region.

National Indian Involvement

In mid-1966, Dr. Carl Marburger was appointed as Assistant Commissioner to head what at that time was the new division of Indian Education within the Bureau of Indian Affairs. An important and new policy formulation, which he articulated both within and outside the BIA, was centered on Indian participation and control over Indian education. Around the same time, and possibly as the result of Dr. Marburger's influence, a Presidential Task Force on the American Indian, which came together in the fall of 1966, produced a report in January of 1967 that included a recommendation for Indian control of Indian education at the local school as well as at the national level. More specifically, it recommended the formation of a National Advisory Board on Indian Education which would develop a comprehensive plan for making Federally operated schools into a model system. A Senate subcommittee on Indian Education was authorized for creation on August 31, 1967, to examine, investigate, and make a complete study of any and all matters pertaining to the education of Indian children. Through subsequent resolutions, the subcommittee was extended to January 31, 1969.

After two years of extensive travel to all parts of the country, visiting Indians in homes and in schools, the subcommittee accumulated 4,077 pages of hearings and 450 pages of committee print, the subcommittee produced a distilled report of their work entitled *"Indian Education: A National Tragedy - A National Challenge."* The subcommittee made numerous recommendations including two directly related to the eventual formation of the National Advisory Council on Indian Education. One was to establish a National Indian Board of Indian Education with authority to set standards and criteria for the Federal Schools. The other was that Indians should be considered for appointment to the advisory groups functioning within the U.S. Office of Education, including those established by statute as well as those created by administrative action.

As with previous reports, the subcommittee, which was chaired by the late Robert Kennedy and later by Senator Edward Kennedy, recommended increased Indian

involvement and control at all levels of education, from the local level to the National level. Subsequently, two bills were drafted that included provisions for Indian control and involvement at the national level, one which would create a National Indian Board of Education and the other which would create a National Indian Board of Regents. The National Indian Board of Education would function much like a state board of education, and have oversight over the operations of federal schools, have authority to set standards and criteria, and make policy within the framework of the law. The National Board would serve in an advisory capacity to Federal education programs involving Indians in the public schools. Testimony in response to the bills reflected some concern about the impact of Indian control at the national level on tribal control at the local level. Those who opposed Indian control at the national level instead, supported the provision of the law pertaining to the advisory function of the National Board. This eventually resulted in legislation which established a National Advisory Council on Indian education. There seemed to be a consensus among American Indians that a national advisory council on Indian education would not compete with Indian tribes and communities for control over Indian education, but instead, would perform an advocacy role and provide Indian visibility and involvement at the national level in programs which could benefit the education of Indians.

The Indian Education Act of 1972, (Public Law 92-318) which authorized the establishment of a National Advisory Council on Indian Education, was signed into law by President Richard M. Nixon on June 23, 1972. However, members of the National Advisory Council on Indian Education were not actually appointed by the President until 1973. Since that time, the Indian Education Act has undergone five reauthorizations with the last in 1988, under Public Law 100-297. The role and responsibility of the Council has virtually remained unchanged since it was created. The Council does the following:

- provides advice to the Secretary of Education with respect to the administration of any program in which Indian children and adults participate or from which they can benefit;

- reviews applications for assistance under the Indian Education Act, and makes recommendations to the Secretary with respect to their approval;

- evaluates programs and projects carried out under any programs of the Department of Education in which children or adults can participate or from which they can benefit, and disseminates the results of such evaluations;

- provides technical assistance to local education agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

- assists the Secretary in developing criteria and regulations for the administration and evaluation of grants made under the Indian Education Act;

- submits to the Secretary a list of nominees for the position of the Director of the Office of Indian Educations, whenever a vacancy occurs, from which the Secretary makes his appointment;

- submits to the Congress no later than June 30 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, and a statement of the Council's recommendations to the Secretary with respect to the funding of any such program; and is consulted by the Secretary of Education as a prerequisite to the promulgation of regulations which determine who is an Indian.

The Seventeenth Annual Report of the National Advisory Council on Indian Education to the United States Congress contains a compilation of its recommendations from fiscal years 1985 to 1990. The National Advisory Council on Indian Education maintains that Indian education is a trust responsibility of the Federal government. This is consistent with provisions of the Indian Self-Determination and Educational Assistance Act (P.L. 93-63) which explicitly acknowledges this responsibility to Indian education by the use of such language as a *"historical and special relationship" with "resulting responsibilities."* This concept is reaffirmed in the Indian Education Act of 1988 (P.L. 100-297), which again acknowledges that *"the Government of the United States has a special relationship with the Indians, which has given rise to a responsibility to assure superior educational opportunities for all Indians."* This relationship is the result of a provision of the United States Constitution, ratified treaties, and the ceding of billions of acres of land. The obligation to provide opportunities for the best possible education for American Indians is a preeminent responsibility of the Federal government.

On March 8, 1990 then Secretary of Education Lauro F. Cavazos established the Indian Nations At Risk Task Force. Secretary Cavazos charged the Task Force with making practical recommendations for improving the educational status of American Indians and Alaska Natives. The Task Force was co-chaired by William Demmert Jr. (Tlingit/Sioux), visiting professor of education at Stanford University and former Alaska commissioner of education; and Terrel H. Bell, noted lecturer and former Secretary of Education. Members of the National Advisory Council on Indian Education that were appointed to the Task Force included Mr. Eddie L. Tullis, NACIE Chairman. The Council assisted the Task Force by holding joint issue sessions during the National Indian Education Association annual meeting in October, 1990 in San Diego, California.

The Indian Nations At Risk Task Force concluded the one-year study and released a final report in October, 1991. The report, entitled *Indian Nations At Risk: An Educational Strategy for Action*, identified four important reasons the Indian Nations are at risk as a people: (1) schools have failed to educate large numbers of Indian students and adults; (2) the language and cultural base of the American Natives are rapidly eroding; (3) the diminished lands and natural resources of the American Native are constantly under siege; and (4) Indian self-determination and governance rights are challenged by the changing policies of the administration, Congress, and the justice system.

The report provided recommendations that would apply to all involved in the educational process of Indian people. These included recommendations for Parents of Native Children; School Officials and Educators; Tribal Governments and Native Communities; Local Governments and Schools; State Governments; the Federal Government; and Colleges and Universities.

Most important, the report included a set of ten education goals to guide the improvement of all federal, tribal, private, and public schools that serve American Indians and Alaska Natives and their communities entitled the "*National Educational Goals for American Indians and Alaska Natives.*" The goals which were officially endorsed by the National Advisory Council on Indian Education during its May 1992 meeting are listed below.

1. **Readiness for School** - By the year 2000 all Native children will have access to early childhood education programs that provide the language, social, physical, spiritual, and cultural foundations they need to succeed in school and to reach their full potential as adults;

2. **Maintain Native Languages and Cultures** - By the year 2000 all schools will offer Native students the opportunity to maintain and develop their tribal languages and will create a multicultural environment that enhances the many cultures represented in the school;

3. **Literacy** - By the year 2000 all Native children in school will be literate in the language skills appropriate for their individual levels of development. They will be competent in their English oral, reading, listening, and writing skills.

4. **Student Academic Achievement** - By the year 2000 every Native student will demonstrate mastery of English, mathematics, science, history, geography, and other challenging academic skills necessary for an educated citizenry;

5. **High School Graduation** - By the year 2000 all Native students capable of completing high school will graduate. They will demonstrate civic, social, creative, and critical thinking skills necessary for ethical, moral, and responsible citizenship and important in modern tribal, national, and world societies.

6. **High-Quality Native and non-Native School Personnel** - By the year 2000 the numbers of Native educators will double, and the colleges and universities that train the nation's teachers will develop a curriculum that prepares teachers to work effectively with the variety of cultures, including the Native cultures, that are served by schools.

7. **Safe and Alcohol-Free and Drug-Free Schools** - By the year 2000 every school responsible for education Native students will be free of alcohol and drugs and will provide safe facilities and an environment conducive to learning.

8. **Adult Education and Lifelong Learning** - By the year 2000 every Native adult will have the opportunity to be literate and to obtain the necessary academic, vocational, and technical skills and knowledge needed to gain meaningful employment and to exercise the rights and responsibilities of tribal and national citizenship.

9. **Restructuring Schools** - By the year 2000 schools serving Native children will be restructured to effectively meet the academic, cultural, spiritual, and social needs of students for developing strong, healthy, self-sufficient communities.

10. **Parental, Community and Tribal Partnerships** - By the year 2000 every school responsible for educating Native students will provide opportunities for Native parents and tribal leaders to help plan and evaluate the governance, operation, and performance of their educational programs.

Systemic Educational Reform

The Task Force made recommendations for partners including parents, school officials and educators, tribal governments and native communities, local governments and schools, and state governments. In addition, and pertinent to this report, the task force developed recommendations for the federal government as listed below:

- Declare the improvement of schools that Native children attend and the improvement of the academic performance of Native children to be the nation's highest priority for services to American Indians and Alaska Natives.

- In cooperation with Secretaries from other departments, undertake annual reviews of all federal appropriations for the education of Native children and adults, and coordinate the establishment of priorities for Native education programs across the federal government.

- Seek authorization to limit federal regulatory requirements for schools and universities that develop comprehensive plans, approved by the Secretary, to improve the quality of education for Native students.

- Encourage colleges, universities, and state and local education agencies to develop comprehensive plans that incorporate the Indian Student Bill of Rights and the national American Indian and Alaska Native Education Goals.

- Promote legislation that will require public and Bureau of Indian Affairs schools to include the participation of tribes, Native communities, and parents of Native children in the development, implementation, and evaluation of local, state, and federal plans.

- Require tribal approval of local and state plans as a condition of approval by the U.S. Department of Education for limiting rules, regulations, and requirements of federal education programs serving Native children and adults.

- Seek legislation to establish an Assistant Secretary for Indian Education in the U.S. Department of Education to provide national direction and coordination for all Department of Education programs serving Native students.

- Seek legislation to amend the Bilingual Education Act to allow for the retention and continued development of Native languages in accordance with Title I of P.L. 101-477, the Native American Languages Act of October 30, 1990.

Priorities for Additional Funding

- Provide additional funding to support early childhood education, prenatal care, and parental training programs that are linguistically, culturally, and developmentally appropriate for Native children in every American Indian and Alaska Native community.

- Seek legislation to require federal programs providing social services to Natives to develop partnerships with tribal groups and schools serving Native children. These partnerships should give the highest priority to prenatal care. parental

training, and early childhood education, as well as health care for expectant mothers and young children.

- Seek legislation to authorization the establishment of a national research and school improvement center for Native education. The center would serve as a resource for schools education Native children, tribes, state departments of education, and universities and as a source of funding for research designed to improve education programs and academic achievement of Native students.

- Seek legislation to amend the Indian Education Act of 1972, as amended, (Title V, P.L. 100-297) to provide long-term discretionary funding for model projects and outreach activities for Native parents and students designed to improve schools and academic performance.

- Seek legislation to amend the Higher Education Act of 1965, as amended by--

  1. Requesting authorization to establish a set-aside for Natives in the Special Programs for Disadvantaged Students (Title IV of the Higher Education Act) programs to ensure increased access to and completion of higher education.

  2. Requesting authorization for an Indian College set-aside in Title III of the Act.

SUMMARY

Successful federal Indian education policies must be balanced and flexible. They must allow for differences while, at the same time, be inherently fair. They must also allow for an option to maintain the status quo so as not to create the insecurity of termination, but, at the same time, provide for reform. Policies must take into consideration the fact that American Indians and Alaska Natives are not a homogenous group of people. They recognize differences in population, geography, history, culture, language, standards of living, economy, and often in perspectives. The fact that Indian education policy has failed more often than it has succeeded is evidence of the fact that the balance required for a successful Indian education policy is extremely difficult to achieve.

WHITE HOUSE CONFERENCE ON INDIAN EDUCATION

The White House Conference on Indian Education (WHCIE) was enacted as Public Law 100-297. This conference was convened on January 22, and adjourned on January 24, 1992. The conference was mandated to develop recommendations to improve Indian education services. The conference was structured in working sessions that maximized efforts to develop recommendations. Its purpose was to (1) explore the feasibility of establishing an Independent Board of Indian Education that would assume responsibility for all existing federal programs relating to the education of Indians and (2) develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians. Public Law 100-297 also authorized the conference to be planned and conducted by the Interagency Task Force and to be assisted and advised by an Advisory Committee. In accordance with the legislation, Secretary of the Interior Manuel Lujan and then Secretary of Education Lauro F. Cavazos were appointed to the Interagency Task Force. Mr Cavazos was succeeded by Lamar Alexander as Secretary of Education in April of 1991. The legislation permitted both Secretaries to designate individuals to act on their behalf during all Advisory Committee meetings and planning sessions. Dr. John Tippeconnic, Director of the Office of Indian Education at the Department of Education represented Mr. Cavazos and Mr. Ed Parisian, Director, Office of Indian Education Programs at the Bureau of Indian Affairs represented Mr. Lujan.

The original authorizing legislation required that the conference be held not later than September 30, 1991, with funds to be authorized during fiscal years 1988, 1989, and 1990 for conducting the conference. The date for the conference and fiscal years when funds could be appropriated was amended by Public Law 101-301, which extended the window for holding the conference through fiscal year 1992. P.L. 101-301 also permitted the chairman of the National Advisory Council on Indian Education to sit on the Advisory Task Force.

In November of 1990, the Secretary of Education and Secretary of Interior jointly issued a call for nominations to the Advisory Committee for the White House Conference on Indian Education. The call for nominations was published in the *Federal Register* on November 2, and requested federally and non-federally recognized Indian tribes, public and private schools serving Indian children, states, tribal organizations, and any other interested parties to nominate individuals for consideration by the President, President pro tempore of the Senate and Speaker of the House of Representatives for appointment to the Advisory Committee. The closing date for receipt of nominations was December 1, 1990. In March of 1992, the President called for the White House Conference on Indian Education to be conducted in January of 1992. The first meeting of the Advisory Committee was scheduled for April 17, 1991 at the Department of Interior in Washington DC. At the time of the first Advisory Committee meeting, only

nine of the 24 Advisory Committee members had been appointed. The nine members who attended the initial meeting were appointed by the President.

During the next few months the House and Senate made their appointments. Two NACIE Council Members served on the Advisory Committee. They were Robert K. Chiago who was appointed by the President pro tempore of the Senate and Eddie L. Tullis who as Chairman of NACIE was designated a seat by law. Throughout the summer and fall of 1991 several advisory committee meetings were held throughout the country to solicit views from Indian country and proceed with the planning of the conference. During this time period 32 states were conducting with their own conferences to determine the educational issues of most importance in their states. The task force established a deadline of September, 1991 to receive state recommendations. These recommendations were then utilized at the White House Conference which was be held in January of 1992.

The following is a list of all the Advisory Committee members appointed to the White House Conference on Indian Education and the Task Force members responsible for the day-to-day activities of planning the conference.

WHITE HOUSE CONFERENCE ON INDIAN EDUCATION TASK FORCE

Buck Martin	Director
Benjamin Atencio	Deputy Director
Oliver M. Abrams	Associate Director
Jack Owen	Associate Director
Jim Gasser	Administrative Officer
Rochelle Whittington	Secretary
Vacant	NACIE Executive Director

WHITE HOUSE CONFERENCE ADVISORY COMMITTEE MEMBERS (24)

DESIGNATED BY LAW

1. Dr. Eddie Brown, Assistant Secretary of the Interior or delegate
2. Honorable Lamar Alexander, Secretary of Education or delegate
3. Buck Martin, Director of the Task Force
4. Eddie L. Tullis, NACIE Chairman

PRESIDENTIAL APPOINTEES

5. Sandi Lavinia Cornelius, Milwaukee, Wisconsin
6. Floyd Ramon Correa, Albuquerque, New Mexico
7. Sandra Louise Gjelde, Silverthorn, Colorado
8. Larraine Louise Glenn, Juneau, Alaska
9. Manning Osceola, Ochopee, Florida
10. Dr. Frank Anthony Ryan, Takoma Park, Maryland
11. Jay O. Stovall, Billings, Montana
12. Ross Swimmer, Tulsa, Oklahoma (WHCIE Chairman)
13. Rosa Revels Winfree, Charlotte, North Carolina
14. Lawrence Gishy, Navajo Community College (Appointed September, 1991)

SPEAKER OF THE HOUSE APPOINTEES

15. Dr. Don Barlow, Spokane, Washington
16. Bill Barrett, U.S. House of Representatives, Washington, DC
17. Ben Nighthorse Campbell, U.S. House of Representatives, Washington, DC
18. Kathryn D. Manuelito, Albuquerque, New Mexico
19. Dr. Joseph Martin, Kayenta, Arizona

SENATE PRO TEMPORE APPOINTEES

20. Lionel Bordeaux, Rosebud, South Dakota
21. Robert K. Chiago, Mesa, Arizona
22. Daniel K. Inouye, U.S. Senate, Washington, DC
23. Bob G. Martin, Lawrence, Kansas
24. Dr. Bob Swan, Box Elder, Montana

Delegates to the White House Conference on Indian Education

In accordance with Part E, Title V, Public Law 100-297, as amended, The Honorable George Bush, President of the United States; The Honorable Thomas F. Foley, Speaker of the United States House of Representatives; and The Honorable Robert C. Byrd, Senate President pro-tempore, appointed the following 234 individuals as Delegates to the White House Conference on Indian Education. In making these appointments, the appointing authorities ensured that one-fourth of the Delegates were selected from each of the following categories:

- Individuals who are currently active educators on Indian Reservations. (52 appointments)

- Educators selected from urban areas with large concentrations of Indians. (61 appointments)
- Individuals who are Federal and Tribal Government Officials (61 appointments)
- Individuals who are Indians, including members of Indian tribes that are not recognized by the Federal Government (60 appointments)

The role and responsibilities of the delegates was to give direction regarding the purpose of the White House Conference on Indian Education as governed by the adopted rules for the conference: (1) explore the feasibility of establishing an independent Board of Indian Education that would assume responsibility for all existing Federal programs relating to the education of Indians; and (2) develop recommendations for the improvement of educational programs to make the programs more relevant to the needs of Indians, in accordance with the findings set forth in section 5501 of Public Law 100-297, as amended.

PRESIDENTIAL APPOINTEES

1. Dennis Demmert of Alaska
2. Dorothy Larson of Alaska
3. Lorena M. Bahe of Arizona
4. Donald Denetdeal of Arizona
5. Herb Yazzie of Arizona
6. Wilson L. Babby of California
7. Delores J. Huff of California
8. June Cloar Chilton of California
9. Elaine Dempsey of California
10. John W. Johnson of California
11. Vernon T. Johnson of California
12. Charlotte Brolsma of California
13. Robert I. Kinney of California
14. Jim Lamenti of California
15. James H. May of California
16. Mary J. Moseley of Colorado
17. Yolanda Rossi of Colorado
18. Marie O. Branch of Florida
19. Steven Bowers of Florida
20. Andrea L. Barlow of Idaho
21. Vernon K. LaPlante of Illinois
22. Faith Smith of Illinois
23. Amelia Bingham of Massachusetts
24. Patricia King of Maryland
25. Terri M. Joseph of Minnesota
26. Jerry Rawley of Minnesota
27. Phillip Martin of Mississippi
28. Patrick Weasel Head of Montana
29. Marilyn L. Locklear of North Carolina
30. Marian D. Holstein of Nebraska
31. Joan H. Cofield of New Jersey
32. Gilbert Lucero of New Mexico
33. Carlotta (Penny) Bird of New Mexico
34. Samuel E. Suina of New Mexico
35. Marlene Johnson of New York
36. Ronald LaFrance of New York
37. Mildred I. Cleghorn of Oklahoma
38. Beverly Sizemore of Oklahoma
39. Stuart A. Tonemah of Oklahoma
40. Mistie D. Wind of Oklahoma
41. Michael Clements of Oregon
42. Wenonah G. Haire of South Carolina
43. Lowell R. Amiotte of South Dakota
44. Marilyn Charging of South Dakota
45. Daniel Archuleta of Texas
46. David P. Pego of Texas
47. Tricia Tingle of Texas
48. Curtis R. Cesspooch of Utah
49. Wil Numkena of Utah
50. Arthur L. Adkins of Virginia

51. Martha Yallup of Washington
52. Diane L. Amour of Wisconsin
53. Alan Caldwell of Wisconsin
54. Thelma M. McLester of Wisconsin
55. Henry Buffalo of Minnesota
56. Clarence Skye of South Dakota
57. Thomasina Jordan of Virginia
58. Bill Gollnick of Wisconsin
59. Francis Whitebird of South Dakota
60. Leigh Jeanotte of North Dakota
61. Andre Crambilt of California
62. Verna Finch of Kansas
63. Elaine Salinas of Minnesota
64. Mary Day of Minnesota
65. Sandra Dixon of California
66. Larry Murray of Wyoming
67. Reva Wulf-Shircel of Alaska
68. Hazel Oakley of Massachusetts
69. Sandi Cornelius of Wisconsin
70. Sandra Gjelde of Colorado
71. Jay Stoval of Montana
72. Ross Swimmer of Oklahoma
73. Floyd Correa of New Mexico
74. Rosa Winfree of North Carolina
75. Manning Osceola of Florida
76. Laurence Gishy of Arizona
77. Laraine Glenn of Alaska
78. Frank Ryan of Maryland

SPEAKER OF THE HOUSE OF REPRESENTATIVES APPOINTEES

1. Melvina Phillips of Alabama
2. Gilbert Innis of Arizona
3. Jane Wilson of Arizona
4. Jack C. Jackson of Arizona
5. Grayson Noley of Arizona
6. Dean C. Jackson of Arizona
7. Matthew Levario of Arizona
8. Kathryn Stevens of Arizona
9. Linda Santillan of California
10. Honorable George Miller of California
11. Billy Cypress of Florida
12. Adrian Pushetonegua of Iowa
13. Terry D. Martin of Louisiana
14. Pam Dunham of Michigan
15. John P. Hatch of Michigan
16. Thomas Miller of Michigan
17. Paul J. Johnson of Michigan
18. Sharon L. Kota of Michigan
19. Donald Weisen of Minnesota
20. Rosemary Christenson of Minnesota
21. Donna Buckles of Montana
22. Karen Cornelius-Fenton of Montana
23. Wanda M. Carter of North Carolina
24. Betty O. Mangum of North Carolina
25. David Gipp of North Dakota
26. Joseph Abeyta of New Mexico
27. Mary Cohoe of New Mexico
28. Genevieve Jackson of New Mexico
29. Paul Tosa of New Mexico
30. Jean Peterson of Nevada
31. William Mitchell of New York
32. Michelle D. Stock of New York
33. Mary Jo Cole of Oklahoma
34. Jim Quetone of Oklahoma
35. Ray Henson of Oklahoma
36. Nita Magdelena of Oklahoma
37. Sylvester G. Sahme of Oregon
38. LaVonne Lobert-Edmo of Oregon
39. Anthony Whirlwind Horse of South Dakota
40. Sue Braswell of Tennessee
41. Edward Sandoval of Texas
42. Annette Arkeketa of Texas
43. Letoy Eike of Washington
44. Marion Forsman-Bouslie of Washington
45. David Bonga of Washington
46. Daniel Iyall of Washington
47. Clayton Small of Washington
48. Darlene Watt-Palmenteer of Washington
49. Eddie Tullis of Alabama
50. Laverne Lane-Oreiro of Washington
51. Janine Pease-Windy Boy of Montana
52. Bernadette Dimas of Montana
53. Tracie Ann McDonald-Buckless of Montana
54. Melvin Martinez of New Mexico
55. Honorable Eni F. H. Faleomavaega of American Samoa
56. Anita Brandley Pfeiffer of Arizona
57. Leroy Shingoitewa of Arizona
58. Theresa Price of Arizona
59. Isabell Deschinny of Arizona
60. Mitchell Furns of Arizona
61. Monty Bengochia of California
62. Peggy Ann Vega of California
63. Orie Medicinebull of California
64. Debra Echohawk of Colorado
65. Josephine North of Florida

66. Eddie Brown of DOI-BIA
67. Ed Parisian of BIA-OIEP
68. Tim Wapato of HHS-ANA
69. Andrew Lorentine of NIHB in Arizona
70. Linus Everling of IHS Headquarters
71. Kathleen Annette of IHS in Minnesota
72. Roger Ironcloud of Headstart Headquarters
73. John Tippeconnic of DOE-OIE
74. Honorable Bill Barrett of Nebraska
75. Honorable Ben Nighthorse Campbell of Colorado
76. Don A. Barlow of Washington
77. Joe Martin of Arizona
78. Kathryn D. Manuelito of New Mexico

PRESIDENT PRO TEMPORE OF THE SENATE APPOINTEES

1. Luanne Pelagio of Alaska
2. Virginia Thomas of Alaska
3. Ruth Sampson of Alaska
4. James Nageak of Alaska
5. Lillian Garnett of Alaska
6. Earl Havatone of Arizona
7. Ronnie Lupe of Arizona
8. Josiah N. Moore of Arizona
9. Vernon Masayesva of Arizona
10. Vivian Arvisco of Arizona
11. Daniel Tso of Arizona
12. Peterson Zah of Arizona
13. Joan Ainslie of California
14. Andrew L. Andreoli of California
15. Katherine J. Bancroft of California
16. Howard Chavez of California
17. William Demmert of California
18. Steven Lewis of California
19. Dwight D. Lowry of California
20. Ernie C. Salgado, Jr. of California
21. John Hornbrook of Indiana
22. Marilyn Bread of Kansas
23. Julie A. Clouse of Kansas
24. Grace M. Rodrick of Maine
25. Loren B. Stiffarm of Montana
26. Ruth Dial Woods of North Carolina
27. Joyce Dugan of North Carolina
28. James L. Davis of North Dakota
29. Marshall Plummer of New Mexico
30. Levi Pesata of New Mexico
31. Julia Abeyta of New Mexico
32. Ruth Frazer of New Mexico
33. Richard W. Arnold of Nevada
34. Lloyd Elm of New York
35. Susan Adair of Oklahoma
36. Joe Byrd of Oklahoma
37. Mary H. Haney of Oklahoma
38. Lawrence H. Hart of Oklahoma
39. Karen Onco of Oklahoma
40. Kiamichi Stairs-Camp of Oklahoma
41. Alice M. Tonemah of Oklahoma
42. Delores R. Twohatchet of Oklahoma
43. Sydna Yellowfish of Oklahoma
44. Pete G. Coser of Oklahoma
45. Marcelle S. Ahtone Harjo of Oklahoma
46. Wilma Mankiller of Oklahoma
47. Cindy Huston of Oklahoma
48. Paul Plume of South Dakota
49. Pat Goggles of Wyoming
50. Nora Garcia of Arizona
51. Mary Ann Brittan of Oklahoma
52. Shirley Cogswell of Maine
53. Cheryl Crazy Bull of South Dakota
54. Carl Downing of Oklahoma
55. Victoria Higgins of Maine
56. Pat Jagiel of Florida
57. Patricia Locke of North Dakota
58. Oren Lyons of New York
59. Sharon McLane of Kansas
60. Sylvia J. McCloud of Nevada
61. William Mehojah of BIA-OIEP
62. Ted Mitchell of Maine
63. Patty Bordeaux-Nelson of South Dakota
64. Reginald Pasqual of New Mexico
65. Edwin Stronglegs Richardson of Washington, DC
66. Donna Rhodes of Oklahoma
67. Nell Allen Rogers of Mississippi
68. Carol A. Davis of North Dakota
69. Brian Smith of Maine
70. Carmen Cornelius Taylor of New Mexico
71. Mary Margaret Willson of Nevada
72. Ivan Sidney of Arizona
73. Bernadine Youngbird of North Dakota
74. Lionel Bordeaux of South Dakota
75. Robert K. Chiago of Arizona
76. Bob G. Martin of Kansas
77. Robert J. Swan of Montana
78. Twila Martin-Kekahbah of North Dakota

RESOLUTIONS FROM THE WHITE HOUSE CONFERENCE ON INDIAN EDUCATION

The following are the resolutions adopted by the Delegates to the White House Conference on Indian Education in January, 1992. The resolutions are those that resulted from the actual conference and does not include those formulated at the state preconferences held prior to January 1992. The eleven topics of the conference and corresponding page numbers include:

Page 61 Topic 1 - **Governance of Indian Education/Independent Board of Education**

Page 66 Topic 2 - **Well-Being of Indian Communities and Delivery of Services**

Page 69 Topic 3 - **Literacy, Student Academic Acheivement and High School Graduation**

Page 74 Topic 4 - **Safe, Alcohol/Drug Free Schools**

Page 77 Topic 5 - **Exceptional Education**

Page 79 Topic 6 - **Readiness for School**

Page 82 Topic 7 - **Native Languages and Culture**

Page 86 Topic 8 - **Structure for Schools**

Page 88 Topic 9 - **Higher Education**

Page 96 Topic 10 - **Native, Non-Native School Personnel**

Page 96 Topic 11 - **Adult Education & Lifelong Learning; Parental, Community & Tribal Partnerships**

Page 100 Topic 12 - **Miscellaneous Resolutions**

WHITE HOUSE CONFERENCE ON INDIAN EDUCATION
SUMMARY OF RESOLUTIONS
ADOPTED JANUARY 24, 1992

* * *

TOPIC 1 - GOVERNANCE OF INDIAN EDUCATION/ INDEPENDENT BOARD OF EDUCATION

1-1 THEREFORE, BE IT RESOLVED, that the Bureau of Indian Affairs (BIA) immediately request an eight (8) million dollar supplemental appropriation to alleviate FY 92-93 ISEF and student transportation shortfalls due to the BIA underfunding.

NO ACTION PLAN INCLUDED.

1-2 THEREFORE, BE IT RESOLVED, to oppose a proposal by the BIA Reorganization Task Force to place the Johnson-O'Malley Program on the Indian Priority System effective in FY '93.

THEREFORE, BE IT RESOLVED, that the above recommendation be adopted for implementation absent an accompanying Action Plan "That the Johnson-O'Malley Program not be banded and put on the Indian Priority System (IPS)."

NO ACTION PLAN INCLUDED.

1-3 THEREFORE, BE IT RESOLVED, that Federal legislation be enacted to authorize all tribes that have developed the capabilities to exercise tribal authority over all Federal education functions, programs, and services on their respective reservations and in Indian communities. The legislation shall provide adequate fiscal support, in accordance with P.L. 100-297, to develop, implement, and maintain tribal departments of education.

Also, that tribes have the prerogative and option, in accordance with their sovereignty, codes, and plans to receive all Federal funds generated within the respective tribal jurisdictions and territories.

This authority would allow for the development of a planning process whereas tribal members would be consulted to develop codes and standards which reflect the cultural values of the respective tribes.

ACTION PLAN INCLUDED

1-4 THEREFORE, BE IT RESOLVED, that we, the delegates convened for the 1992 White House Conference on Indian Education, on behalf of the Indian communities and the young people we represent, hereby unanimously request and urge the President of the United States to issue an Executive Order formalizing his statement of policy on tribal sovereignty and personally to reaffirm the United States' trust responsibility to Indian Nations, the U.S. government-to-government relationship with tribal governments, and the U.S. commitment to local tribal control of schools (self-determination); and

This Executive Order should include a prompt and thorough inventory and review of all resources of executive offices and agencies that directly or indirectly affect Indian education from early childhood to continuing education adult programs, especially those programs due for reauthorization in 1993; and

This review should provide evaluations of federal resources and existing laws, rules and regulations governing federal services to more effectively enhance the sovereignty of Indian nations and fully implement their initiatives to improve and enhance the education of their young people while maintaining their cultural integrity; and

That legislation be enacted to provide direct financial support to tribal governments for establishing tribal departments of education, development of educational blueprints and tribal codes and/or ordinances governing education.

BE IT FURTHER RESOLVED, that this resolution be submitted to the leadership of both houses of the U.S. Congress for its consideration and implementation; and further, that this resolution also be submitted to all presidential candidates and leadership of the Democratic and Republican parties.

THEREFORE, BE IT FINALLY RESOLVED, that the White House Conference on Indian Education vigorously pursue the dissemination of the true character of the Federal/Indian relationship to all Federal agencies that deliver education services to American Indians and Alaska Natives.

NO ACTION PLAN INCLUDED.

1-5 NOW, THEREFORE, BE IT RESOLVED, that no further planning nor implementation of any Independent Board of Indian Education be considered by the delegates to the White House Conference on Indian Education; and

1-5 NOW, THEREFORE, BE IT RESOLVED, that no further planning nor implementation of any Independent Board of Indian Education be considered by the delegates to the White House Conference on Indian Education; and

BE IT FURTHER RESOLVED, that P.L. 100-297 be amended to delete this proposed action.

NO ACTION PLAN INCLUDED.

TOPIC 2 - WELL BEING OF INDIAN COMMUNITIES AND DELIVERY OF SERVICES

2-1 THEREFORE, BE IT RESOLVED, that American Indian and Alaska Native students will have the opportunity for improved counseling services. These services would include life coping skills, mental health counseling, traditional healing practices involving tribal/community support.

THEREFORE, BE IT RESOLVED, that American Indian and Alaska Native students will have the opportunity for support services which includes funding, services and trained professionals regardless of residency. This is to include the need for parent day care programs and specialized classes for Indian students and health screening.

THEREFORE, BE IT RESOLVED, that retention of Native students must be a priority. Plans to increase counseling and academic services for support of Native students to succeed is necessary. High standards and expectations are a must for Native students and we must emphasize quality and academic preparation. Native students must be encouraged to reach high goals and receive instruction and academic counseling. This is from early childhood to higher education.

ACTION PLAN INCLUDED.

2-2 THEREFORE, BE IT RESOLVED, to assure accountability and safeguard funding and other resources (staff/facilities) to tribes and tribal organizations.

NO ACTION PLAN INCLUDED.

2-3 THEREFORE, BE IT RESOLVED, that there should be a uniform funding schedule for all educational programs on a calendar year basis for planning purposes.

THEREFORE, BE IT RESOLVED, that funds be identified for tribes to establish a local education and educational support services plan.

NO ACTION PLAN INCLUDED.

2-4 THEREFORE, BE IT RESOLVED:

1. That equal time be given to American Indian/Alaska Native students to practice and take part in and celebrate their religious ceremonies; and

2. That all educational programs to receive federal funds shall adhere to the Indian Religious Freedom Act consistent with the United States Constitution, the United States Supreme Court precedent and congressional enactment.

NO ACTION PLAN INCLUDED.

2-5 THEREFORE, BE IT RESOLVED, that there be Indian education and administrative professionals involved in the education of Indian/Alaska Native youth.

THEREFORE, BE IT RESOLVED, that we integrate Indian/Alaska Native history and culture as an ongoing part of the mainstream curriculum.

THEREFORE, BE IT RESOLVED, that there should be accountability for student outcomes and meeting of educational goals and objectives from early childhood through adult programs.

ACTION PLAN INCLUDED.

2-6 THEREFORE, BE IT RESOLVED, that set-aside funds for Head Start that will include full funding for early childhood services for all Indian organizations, both tribal and urban and rural regardless of income and residency.

THEREFORE, BE IT RESOLVED, that greater autonomy and independence be afforded to tribes and Indian community based organizations to provide comprehensive integrated services that are school based.

ACTION PLAN INCLUDED.

2-7 THEREFORE, BE IT RESOLVED, that communities define their own comprehensive needs. There be funding to provide quality services including parenting, mental health, social services, legal services, and other unmet needs to ensure the education of community members and to amend P.L. 100-297 which empowers local school boards to authorize and mandate funds for legal services to local school boards whose decisions may necessitate the hiring of a lawyer to represent them.

THEREFORE, BE IT RESOLVED, that facilities be adequate, comfortable, appropriate, accessible for students and year-round community services.

THEREFORE, BE IT RESOLVED, that adequate funding be made available for existing facilities to be renovated or new construction when necessary to include maintenance costs.

ACTION PLAN INCLUDED.

TOPIC 3 - LITERACY, STUDENT ACADEMIC ACHIEVEMENT AND HIGH SCHOOL GRADUATION

3-1 THEREFORE, BE IT RESOLVED, that funding formulas which include state weighing funding factors be established to assure equitable per pupil distribution; and

THEREFORE, BE IT RESOLVED, that long-term funding patterns include consideration for a sequence of funding reflecting realistic planning, pilot, phase in and full program funding progression; and

THEREFORE, BE IT RESOLVED, that programs that yield successful student outcomes must be rewarded with long-term funding; and

THEREFORE, BE IT RESOLVED, that funds be appropriated on a regional need.

ACTION PLAN INCLUDED.

3-2 THEREFORE, BE IT RESOLVED, that a National Study Group on Pedagogy in Indian Education be established; and

THEREFORE, BE IT RESOLVED, that this Study Group be comprised of Indian professionals, practitioners, parents, students and tribal leaders; and

THEREFORE, BE IT FURTHER RESOLVED, that the Secretary of Education, in his address to the delegates of the White House Conference on Indian Education, urged support and involvement in the American 2000 Project; and

BE IT FURTHER RESOLVED, that funding for this Study Group be funding through the American 2000 program budget.

ACTION PLAN INCLUDED.

3-3 THEREFORE, BE IT RESOLVED, that the Federal government in exercising of its trust responsibility shall require that each school and program receiving federal funds ensure the participation of parents and tribal/community leaders in planning, evaluating, governing and assessing the operation and performance of educational programs.

ACTION PLAN INCLUDED.

3-4 THEREFORE, BE IT RESOLVED, that alternative assessment instruments, that are culturally appropriate be used to assess performance of American Indian/Alaska Native Children in addition to non-biased standardized tests; and

THEREFORE, BE IT RESOLVED, that Congress will appropriate monies to establish and maintain regional American Indian/Alaska Native Educational Research Centers for the dissemination of information on innovative techniques and programs. Continuous funding must be made available to prepare our students for the twenty-first century.

ACTION PLAN INCLUDED.

3-5 THEREFORE, BE IT RESOLVED, that American Indian/Alaska Native students will have access to curriculum and material which provides accurate and relevant information on the language, history, and culture of the American Indian/Alaska Native.

ACTION PLAN INCLUDED.

3-6 THEREFORE, BE IT RESOLVED, that all American Indians/Alaska Natives be exempt from the desegregation order; and

THEREFORE, BE IT RESOLVED, that all American Indian Alaska Native people shall maintain their unique status as sovereign nations and therefore afforded access to the public school system; and

THEREFORE, BE IT RESOLVED, that congress will mandate and enforce legislation that acknowledges and protects the unique status of American Indian/Alaska Native students in the educational systems in this country.

ACTION PLAN INCLUDED.

3-7 THEREFORE, BE IT RESOLVED, that Congress shall allocate separate funds and/or set aside funds from the America 2000 Initiative and create Indian focus schools in congressional districts as demographics indicate a need.

ACTION PLAN INCLUDED.

3-8 THEREFORE, BE IT RESOLVED, that the strengthening of the commitment of states be initiated through mandated state/local Indian Advisory Councils to state education agencies to conduct the following tasks:

1) Collect, aggregate, analyze and disseminate to local, state and national level data on Indian student achievement, graduation, dropout, retention, student transfer and enrollment data by race, gender, and grade level. Currently there is no apparent lack of consistent and comprehensive data on Indian education achievement.

2) Assure Indian/Alaska Native students have equitable educational outcomes by assuring accountability of public funds used by local education agencies for the education of Indian students.

3) To provide technical assistance to tribal governments in the formation of tribal education agencies and policies, and the development of articulated agreements between states and tribes toward resolving cross-jurisdictional issues.

4) Promote the development of State plans for Indian/Alaska Native Education which support the adoption and implementation of culturally and linguistically relevant programs by public schools.

5) To serve as a liaison to coordinate funding assistance programs such as Title VIII - Bilingual Education, Chapter I, Title V, Special Education, Impact Aid, and state mental health and state health programs serving Indian communities.

6) Advocate for state-based legislation for the assurance of a continuum of comprehensive educational services for Indian/Alaska Native children; and

BE IT FURTHER RESOLVED, that the White House Conference on Indian Education as representatives of their local communities support the adoption of a new Title to the Indian Education Act with new appropriations with state match requirements.

NO ACTION PLAN INCLUDED.

3-9 THEREFORE, BE IT RESOLVED, that school/parent/tribal partnerships establish effective strategies for compliance beyond regulatory guidelines.

ACTION PLAN INCLUDED.

3-10 THEREFORE, BE IT RESOLVED, that each school and program receiving federal funds will ensure the participation of parents and tribal/community leaders to help plan, evaluate, govern, and access the operation and performance of their educational programs; and

THEREFORE, BE IT RESOLVED, that participation includes recommendations for the following accountability:

a) ensuring that laws are enforced by tribes and/or school boards; and

b) adopting cooperative agreements between tribes, schools, and agencies affecting the education of Indian students which clearly define the roles and responsibilities of each.

THEREFORE, BE IT RESOLVED, in the event that partnerships with parents/tribes are not working strategies for dealing with non-compliance must be developed and enforced (i.e., requiring the loss of federal funds for non-compliance).

a) establish compliance centers with tribes/native communities to reflect the needs of Native people; and

b) re-enforce and strengthen federal compliance procedures.

NO ACTION PLAN INCLUDED.

3-11 THEREFORE, BE IT RESOLVED, to identify, assign and coordinate the responsibility for effectiveness, improvement and excellence of education for all students; and

THEREFORE, BE IT RESOLVED, that Indian/Alaska Native communities must receive assistance in assessing local needs, resources for funding, and development of programs to meet the need of all Indian/Alaska Native students; and

THEREFORE, BE IT FURTHER RESOLVED, that state education agencies and LEAs be partnerships with Indian parents, communities and tribes which result in successful academic achievement.

NO ACTION PLAN INCLUDED.

3-12 THEREFORE, BE IT RESOLVED, that it is the responsibility of the Federal government to meet the educational needs of the American Indian/Alaska Native and the Right of American Indian/Alaska Native parents, tribes and communities to determine how those needs will be met.

ACTION PLAN INCLUDED.

3-13 THEREFORE, BE IT RESOLVED, it is the responsibility of the Federal government to meet the educational needs of the American Indian/Alaska Native and the Right of American Indian/Alaska Native parents, tribes and communities to determine how those needs will be met; and

Identify, assign and coordinate the responsibility for effectiveness, improvement, and excellence of education for all students; and

Each school and program receiving federal funds will ensure the participation of parents and tribal/community leaders to help plan, evaluate, govern and assess the operation and performance of their educational programs.

Participation includes recommendations for the following accountability:

a) ensuring that laws are enforced by tribes and/or school boards.

b) adopting cooperative agreements between tribes, schools and agencies affecting the education of Indian students which clearly define the roles and responsibilities of each.

ACTION PLAN INCLUDED.

3-14 THEREFORE, BE IT RESOLVED, that schools develop, implement and research parental support programs using federal and/or state incentive grants/funding; and

THEREFORE, BE IT FURTHER RESOLVED, that results of funded programs be documented and widely disseminated.

ACTION PLAN INCLUDED.

TOPIC 4 - SAFE, ALCOHOL/DRUG-FREE SCHOOLS

4-1 THEREFORE, BE IT RESOLVED, that tribes and Indian/Alaska Native organizations need stable, long-term funding with provisions for meaningful and relevant input from appropriate tribal and community leadership.

ACTION PLAN INCLUDED.

4-2 THEREFORE, BE IT RESOLVED, that community-based Family Healing Centers are needed on reservations and urban and rural communities to provide the following support services:

a) Alcohol & Drug Abuse Education and Prevention.
b) Crisis Intervention and Follow-up.
c) Youth Support Groups.
d) Outreach Services.
e) Child care.
f) Resource Information.
g) Family Treatment (focus on whole family).
h) Cultural/Drug/Alcohol Free Recreation.
i) Referral Services.
j) Teen Multi-Service Centers.
k) Abuse and Neglect Intervention and Referral.
l) Collaboration & Coordination of services at Local, State, Tribal and Federal levels.
m) Fetal Alcohol Syndrome information and prevention and teen pregnancy issues.

THEREFORE, BE IT RESOLVED, that Indian/Alaska Native tribes and Indian/Alaska Native organizations possess the trained personnel to deliver these services from a cultural, spiritual and community perspective.

THEREFORE, BE IT FURTHER RESOLVED, that Federal agencies be required to establish Memorandum of Agreements that provide sufficient resources to implement and maintain these Family Healing Centers.

NO ACTION PLAN INCLUDED.

4-3 THEREFORE, BE IT RESOLVED, that comprehensive treatment planning must address a client's total needs.

THEREFORE, BE IT RESOLVED, that there be an increase and/or earmarked funding for coordinated effort to develop post-treatment resources.

ACTION PLAN INCLUDED.

4-4 THEREFORE, BE IT RESOLVED, that the above recommendation be applied to funding sources including, but not limited to IHS, BIA, OSAP and the U.S. Department of Education requiring that services to tribes and urban/rural community-based prevention/intervention treatment services support the development of culturally sensitive materials be adopted with the accompanying action plan.

ACTION PLAN INCLUDED.

4-5 THEREFORE, BE IT RESOLVED, that public school personnel and other care giving personnel be required to complete multi-cultural education training which includes Native American history, education, culture and family dynamics.

BE IT FURTHER RESOLVED, that Institutes of Higher Education through their NCATE standards includes this same training for teaching initial and renewal certification requirements.

BE IT FURTHER RESOLVED, that recognized community-based Native American trainers be utilized as local experts in the training.

BE IT FINALLY RESOLVED, that all federally-funded training programs for educational personnel be reflective with the intent of this resolution.

ACTION PLAN INCLUDED.

4-6 THEREFORE, BE IT RESOLVED, that a legislative amendment to the Drug Free Schools and Community Act, P.L. 99-570, is sought to include "elementary and secondary schools funded for Indian/Alaska Native children" by the Department of the Interior within the definition of a "local education agency" (LEA) so that these schools serving Indian/Alaska Native children will be eligible to:

a) receive state drug free schools monies for the development of drug free school programs;

b) receive training and technical assistance from the five Regional Centers for Drug-Free Schools and Communities; and

c) receive funds designated by the Department of Education as discretionary funds.

ACTION PLAN INCLUDED.

4-7 THEREFORE, BE IT RESOLVED, that funding be allocated for the development, acquisition, and implementation of elementary and secondary school and drug abuse education and prevention curriculum, textbooks and materials, including audio-visual materials which:

a) clearly and consistently teach that illicit drug use is wrong and harmful;

b) is culturally relevant; and

c) clearly delineates culturally specific, age and developmentally appropriate learning objectives which can be infused into the curriculum.

ACTION PLAN INCLUDED.

4-8 THEREFORE, BE IT RESOLVED, that tribes and Indian communities take the leadership role in promoting a safe and healthy environment with cultural sensitivity.

NO ACTION PLAN INCLUDED.

4-9 NOTE: THERE WAS NO RESOLUTION NUMBERED 4-9.

4-10 THEREFORE, BE IT RESOLVED, that IHS establish national chemical dependency certification standards which incorporate the recommendations of this resolution

BE IT FINALLY RESOLVED, that IHS establish resources which enable these recommendations to occur.

ACTION PLAN INCLUDED.

4-11 WHEREAS, the delegates have reviewed state recommendations for a safe school environment in that the United States Government, as per its trust

responsibility, must provide construction funds for safe and adequate facilities for American Indian and Alaska Native children attending P.L. 815 public schools, BIA-funded schools, and tribally-controlled community colleges due to the outdated and dilapidated conditions of these facilities.

ACTION PLAN INCLUDED.

4-12 THEREFORE, BE IT RESOLVED, that the delegates have reviewed recommendation #12 and found that access to accurate and up-to-date information is lacKing in Indian communities; and

BE IT RESOLVED, that funding be sought for the establishment and operation of a national clearinghouse that will develop, publicize the availability of, and widely disseminate the most readily available, accurate, and up-to-date information on effective programs, audio-visual material and other curricular materials for drug abuse education and prevention programs in elementary and secondary programs designed for Indian youth, and coordinate activities with national media efforts; and

BE IT FURTHER RESOLVED, that funds be awarded to individuals, educational agencies, community-based organizations, and tribal groups for the purpose of researching and developing materials pertinent to the alcohol and other drug issues among Indian youth and their families for the purpose of program development and dissemination; and

BE IT FINALLY RESOLVED, that model youth programs which demonstrate success in reducing use/abuse of alcohol and other drugs be developed, implemented and replicated and that necessary resources, including funding, be provided for establishment of on-going maintenance.

ACTION PLAN INCLUDED.

TOPIC 5 - EXCEPTIONAL EDUCATION

5-1 THEREFORE, BE IT RESOLVED, that all agencies receiving federal dollars shall ensure equitable access to appropriate services for all American Indian/Alaska Native students, on and off reservation.

NO ACTION PLAN INCLUDED.

5-2 THEREFORE, BE IT RESOLVED, that to allocate funding to meet the comprehensive educational needs of exceptional American Indian/Alaska

Native in any educational setting including public, Bureau, private, and others on and off reservation.

ACTION PLAN INCLUDED AND TITLED "5-B".

5-3 THEREFORE, BE IT RESOLVED, that the Federal government shall allocate new funds for research and development of culturally-appropriate assessment for American Indian/Alaska Native (on-off reservation) for all categories of appropriate services and placement.

ACTION PLAN INCLUDED AND TITLED "5-C".

5-4 THEREFORE, BE IT RESOLVED, to provide funding for training of parents, guardians, community, all professionals providing services to American Indian/Alaska Native students with other special nee[illegible] other than those identified in P.L. 94-142, as amended.

NO ACTION PLAN INCLUDED.

5-5 THEREFORE, BE IT RESOLVED, that the federal government establish and implement a program of research, demonstration, evaluation, dissemination, to improve the identification/assessment, instruction, curriculum, and administration of programs for exceptional infants, children, youth, and adults.

ACTION PLAN INCLUDED AND TITLED "5-E".

5-6 THEREFORE, BE IT RESOLVED, that existing legislation P.L. 94-142, P.L. 100-297, and P.L. 101-477 benefiting exceptional American Indian/Alaska Native with disabilities and who are gifted and talented, be fully funded, implemented and enforced to ensure that appropriate educational opportunities are being provided by: LEA's, state, tribal, BIA, and all other service providers.

ACTION PLAN INCLUDED AND TITLED "5-F".

5-7 THEREFORE, BE IT RESOLVED, that tribes, states, and the Federal Government develop comprehensive educational plans for American Indian/Alaska Native people - unborn to adults, that will include a mission statement, goals, objectives, action plans, and an evaluation process to provide comprehensive, quality services to develop persons with exceptional needs into contributing members of their communities.

ACTION PLAN INCLUDED AND TITLED "5-G".

5-8 THEREFORE, BE IT RESOLVED, that proposals related to reform, restructuring, and development of alternative educational programs, methods, techniques, and services address the integration of programs and services for American Indian/Alaska Native with exceptional needs.

ACTION PLAN INCLUDED AND TITLED "5-H".

5-9 THEREFORE, BE IT RESOLVED, that BIA funded schools be funded at levels not less than other schools in their area, i.e., basic ISEP allotments shall be equal to or greater than state foundation allocations for the same time period.

NO ACTION PLAN INCLUDED.

5-10 THEREFORE, BE IT RESOLVED, that Indian Health Service be directed to do research and develop an American Indian/Alaska Native data base on Fetal Alcohol Effects/Fetal Alcohol Syndrome.

THEREFORE, BE IT RESOLVED, that the above recommendation is agreed to, with the stipulation that further review, and where necessary, modifications be made prior to its implementation.

NO ACTION INCLUDED.

TOPIC 6 - READINESS FOR SCHOOL

6-1 NOW.THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly supports the concept, and implementation of comprehensive Early Childhood Programs for all American Indian/Alaska Native students; and

BE IT FURTHER RESOLVED, that successful Early Childhood Programs shall be affirmed by the President and Congress to include the following components:

1. Increase funding to provide full participation by all children;
2. Income eligibility requirements to be abolished;
3. Effective teacher/staff training be implemented;
4. Teachers must be early childhood certified by year 2000;

5. Comprehensive parent training and parental involvement be made a priority;
6. Early screening procedures be mandated for early detection of learning disabilities and the skills of gifted/talented that would enhance learning abilities of all children;
7. Respect the use of Native American culture and language in the educational process of Indian children at an early age to enhance the level of pride and self-esteem in learning;
8. Provide funding for safe educational facilities;
9. Provide increased funding for safe transportation;
10. Provide competitive salaries for qualified and dedicated teachers and personnel;
11. Review and revise rules and regulations to ensure consistency in early childhood education programs;
12. Encourage inter-agency working relationships.

AND BE IT FURTHER RESOLVED, that delegates of the White House Conference on Indian Education hereby direct the Bureau of Indian Affairs, Office of Education; Health and Human Services and other educational agencies to establish legislation regarding Early Childhood Education that will ensure a united effort by all agencies to institute an effective learning atmosphere for all of our American Indian/Alaskan Native children by the year 2000.

AND BE IT FURTHER RESOLVED, that comprehensive Early Childhood Education must have a key family and extended family role, as it impacts immediate, short term and long range program goals, and that complete the following action steps:

1. **Immediate Action Steps:**

    a) Home based consultations with parents and extended family members
    b) Sponsor family events to acquire parental input
    c) Sponsor workshops in the Early Childhood Education Program (ECEP) planning process for parents
    d) An orientation to ECEP goals and the expected role that family members have
    e) Provide a parental sign-off or agreement process

2. **Short Term**

a) Actively identify active parents
b) Promote active parents to recruit additional parents to participate in planning, even having home meetings
c) All training plans must have balanced family membership
d) Delegation of training plans be placed with family
e) Require a parent/tribal leadership partnership in program visits
f) Require a grandparents advisors groups that elicits input from elders

3. **Long Term**

a) Funding allocations will reward tribes and organizations that have comprehensive plans for ECEP with integral parent/family involvement. Perhaps waivers to some regulations.
b) Provide a resource inventory to parents about ECEP,. to provide all alternatives including family based options, helping parents to plan.
c) Involve parents in transitional skills, to address parental control and involvement at differing levels, such as moving from the Head Start PPC to Schools PTA.
d) Demonstrate annual updates in comprehensive planning with family involvement.
e) Grandparents and extended family review and sign-off.
f) Inter-Agency Agreements be established to provide for family support programs.
g) A comprehensive inter-Agency parent training program to include, but not excluding others, the following:

1) Parent Effectiveness Training
2) Sex Education - for individuals and for families
3) Health Education in:
   a) the home
   b) the school
   c) the community
   d) tribal colleges
4) Adult Basic Education
5) Self-growth
6) Pre-natal

ACTION PLAN INCLUDED.

6-2 THEREFORE, BE IT RESOLVED, that Congress appropriate an additional $17 million to create Urban Indian Head Start Programs that would provide educational services to Indian Children.

NO ACTION PLAN INCLUDED.

6-3 THEREFORE, BE IT RESOLVED, that the White House Conference Delegates recommend that the Chief of the American Indian Program grants Region Eleven of the Head Start Bureau be staffed by an Indian or Alaska Native.

NO ACTION PLAN INCLUDED.

6-4 THEREFORE, BE IT RESOLVED, that Indian Tribes,/Alaskan Natives firmly request the U.S. Secretary of Education require that all educational agencies list and report the availability of all early childhood educational programs to Indian tribes/Alaskan Natives.

ACTION PLAN INCLUDED.

6-5 THEREFORE, BE IT RESOLVED, that American Indian/Alaskan Native Pre-Kindergarten programs be made eligible for funding for educational programs under the Bureau of Indian Affairs, OIEP Programs and the U.S. Department of Education, Office of Indian Education.

NO ACTION PLAN INCLUDED.

6-6 NOTE: THERE IS NO RESOLUTION NUMBERED 6-6.

6-7 THEREFORE, BE IT RESOLVED, that each State in the Union that has large populations of Indian people should have or create an Indian Education Division/position within their State Department of Education.

NO ACTION PLAN INCLUDED.

6-8 THEREFORE, BE IT RESOLVED, that it is recommended that fifteen percent of the National Head Start budget be set aside specifically for the American Indian/Native Alaska programs branch funding to increase the number of Indian/Alaska Native children being served.

NO ACTION PLAN INCLUDED.

TOPIC 7 - NATIVE LANGUAGES AND CULTURE

7-1 NOW, THEREFORE, BE IT RESOLVED, that: The White House Conference on Indian Education hereby requests the President of the United States and the U.S. Congress to strengthen and increase support for; the language and culture of American Indians and Alaska Natives by the following actions:

Amend S.2044 by adding a new chapter amending Title VII, the Bilingual Education Act of 1965 (20 U.S.C. 3001) to include a new chapter for American Indian and Alaska Native bilingual education.

A. Ensure the strengthening, preservation, and revival of native languages and cultures to permit students to learn their tribal language as a first or second language.

B. Encourage opportunities to develop partnerships (in programs funded or amended by S.2044) between schools, parents, universities, and tribes.

C. Provide for long term assessment and evaluation of programs funded under this new chapter.

The purpose of this part will be to evaluate the effectiveness of programs, conduct research (including heuristic, anthropological, ethnographic, qualitative, quantitative research), that would lead to a better understanding of language development and to identify exemplary models for other groups.

D. Native language teacher competence must meet competency requirements established by tribes. These standards may be developed in cooperation with the advice of language experts of the tribes and universities that are responsible for teacher training programs.

E. Allow for program development based on successful education programs as well as new models that are innovative and explore new theories on bilingual education and language development including emersion programs.

ACTION PLAN INCLUDED.

7-2 NOW, THEREFORE, BE IT RESOLVED, that: The White House Conference on Indian Education hereby requests the President of the United States and the U.S. Congress to strengthen and increase support for the language and culture of American Indians and Alaska Natives by the following actions:

1. Amend Senate Bill 2044 to provide for the:

   A. Inclusion of *"Language, Literacy, and Culture"* in the Title; and use of the terminology *"Language/Culture"* throughout the Act.

   B. Development of curricula for Language/Culture, together with appropriation levels which enable the restoration of lost languages; and an overall appropriation of $200 million for language, literacy, and culture including model programs.

   C. Development of language literacy and culture certification standards by tribal governments, recognition of such certification by SEAs and accrediting institutions; and, appropriation levels which enable full implementation of the standards.

   D. Establishment of course credit for Native Language classes at institutions of higher education, by students who demonstrate literacy and proficiency in Native languages.

   E. Inclusion of American Indian/Alaska Native history and culture as a requirements for teacher certification of all teachers.

   F. Availability of appropriated funds to Indian/Alaska Native tribes and organizations including urban and rural Indian organizations, for Indian/Alaska Native language and culture.

   G. Allow American Indians and Alaska Natives to assume total responsibility for their education programs.

   H. Require state and local education agencies that receive federal funds to include American Indian and Alaska Native language, culture, and history into core curriculum.

2. Require the Office of Indian Education, U.S. Department of Education to collaborate with the Senate on S.2044 to include the recommendations heretofore set forth.

ACTION PLAN INCLUDED.

7-3 NOW, THEREFORE, BE IT RESOLVED, that: the White House Conference on Indian Education hereby requests the President of the United States and the U.S. Congress to strengthen and increase support for the language and culture of American Indians and Alaska Natives by exempting all Indian education monies from the requirements of the Gramm-Rudman-Hollings Act.

ACTION PLAN INCLUDED.

7-4 NOW, THEREFORE, BE IT RESOLVED, that: The White House Conference on Indian Education hereby requests the President of the United States and the U.S. Congress to strengthen and increase support for the language and culture of American Indians and Alaska Natives by the following actions:

1. Require that the Office of Indian Education and the Bureau of Indian enforce legislative requirements for parental participation in the planning, implementation, and evaluation of programs under Title V, Subpart 1, P.L. 81-874 and Johnson-O'Malley Act.

2. That sign off parent committee authority be required and be limited to the authorized chairpersons of the parent committee in Title V, Subpart 1, P.L. 81-874 and Johnson-O'Malley programs.

3. That the Office of Indian Education establish grievance procedures for grantees and parent committees.

4. That local education agencies be accountable to the parent committee.

ACTION PLAN INCLUDED.

7-5 THEREFORE, BE IT RESOLVED, that the Federal Government establish and provide adequate funding for Native languages, literacy and cultural programs for American Indians and Alaska Natives as one of the Nation's highest priorities.

NO ACTION PLAN INCLUDED.

7-6 THEREFORE, BE IT RESOLVED, that immediate implementation of the Indian Nations At Risk Task Force Recommendations including those specifically related to American Indian and Alaska Native language, literacy, culture, evaluation, research and accountability.

NO ACTION PLAN INCLUDED.

7-7 THEREFORE, BE IT RESOLVED, that all funds appropriated for Indian and Alaska Native Education must have provisions for Indian control and accountability with appropriate language assessment.

NO ACTION PLAN INCLUDED.

7-8 THEREFORE BE IT RESOLVED, that:

1. The White House Conference on Indian Education Native Language and Culture delegates hereby approve this resolution requesting the President of the United States, Honorable George A. Bush and Congress of both the Senate and the House of Representatives recognize, acknowledge and support the need for Native language and culture as a significant instrument to the improvement of American Indian/Alaska Native education.

2. The White House Conference on Indian Education Native Language and Culture delegates also request that the federal, public, parochial and community school systems receiving federal funding for American Indian/Alaska Native learners to expedite the implementation of the Indian Religious Freedom Act by immediately developing dress and hair code policies and regulations that reflect the traditional language, culture and religious expressions practiced by these students.

3. In this recognition and acknowledgment, the White House Conference on Native Languages and Culture delegates further requests that the U.S. Department of Education recognize, acknowledge and support the importance to carry out the intent of this resolution.

THEREFORE, BE IT RESOLVED, that the above recommendation is agreed to, with the stipulation that further review and, where necessary, modifications be made prior to its implementation.

NO ACTION PLAN INCLUDED.

TOPIC 8 - STRUCTURE FOR SCHOOLS

8-R-1 THEREFORE, BE IT RESOLVED, that *"Regional Indian/Alaska Native Educational Research Institutes - It shall be the policy of the Federal government to provide sources of funding for Regional Indian/Alaska Native Educational Research institutes to develop and implement Regional Indian/Alaska Native Educational Research Plans for the purpose of: (1) Effecting Teaching Practices that maximize Indian and Native Alaska Learning; (2) Establish a repository of research information that is fully accessible by regional tribal groups, organizations and local education agencies; and (3) Developing a collaborative relationship between the institute and regional tribal groups, organization and local education agencies in the creation of the research plans."*

ACTION PLAN INCLUDED.

8-R-2 THEREFORE, BE IT RESOLVED, that it shall be the policy of the Federal government to maximize full funding for Indian education programs based on locally assessed needs as determined by tribes, Indian/Alaska Native communities and schools.

And it should further the policy of the Federal government to provide for coordination of funds for all Indian/Alaska Native education programs.

ACTION PLAN INCLUDED.

8-R-3 THEREFORE, BE IT RESOLVED, that Congress pass legislation to ensure that the policy of the Federal government to promote and support the development of coordinated infrastructures for education services to all Indian/Alaska Native children as determined by tribes, Indian/Alaska Native communities and schools.

ACTION PLAN INCLUDED.

8-R-4 THEREFORE, BE IT RESOLVED, that *"It shall be the policy of the Federal government and states to support the development of appropriate alternative structures to address the unique cultural, linguistic and educational needs of Indian students as determined by tribes, Indian/Alaska Native communities and schools."*

ACTION PLAN INCLUDED.

8-R-5 THEREFORE, BE IT RESOLVED, that, it shall be the policy of the Federal government to take immediate steps to fully implement those existing status, rules, regulations, court orders which support restructuring of schools.

ACTION PLAN INCLUDED.

TOPIC 9 - HIGHER EDUCATION

T9-1 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly urges that the United States Department of Education create a research initiative for the Department of Indian Education dedicated specifically to American Indian/Alaska Native education and that in its implementation seek out American Indian/Alaska Native scholars who are committed to aggressively addressing the educational needs of American Indian/Alaska Native communities, and data and other information developed under these auspices must be disseminated widely but especially to American Indian/Alaska Native nations, organizations, and communities.

ACTION PLAN INCLUDED.

T9-2 THEREFORE, BE IT RESOLVED, that the White House Conference strongly recommends Federal government provide the necessary funds and technical assistance to Indian tribes/Alaska Natives to develop authentic tribal histories, develop learning centers for language and cultural presentation; develop capabilities of tribes to accredit tribal schools and certify teachers; and identify and eliminate all standardized tests administered by states which systematically eliminate prospective teachers; and

Strengthen articulation networks between high schools and post secondary institutions. Four year state supported institutions lend expertise to K-12 schools and tribally controlled community colleges on Indian reservations.

ACTION PLAN INCLUDED.

T9-3 THEREFORE, BE IT RESOLVED, that the White House Conference recommends that the President of the United States issue an Executive Order for the Tribally Controlled Community Colleges (TCC), such that all cabinet level departments of the Federal government identify resources and implement contracts with Tribally Controlled Community Colleges to perform research

and advance study; to achieve equity with President Reagan's Executive Order for Historically Black Colleges and Universities.

ACTION PLAN INCLUDED.

9-4 **NOTE: A REVIEW OF THE DISK FOR TOPIC AREA 9 - HIGHER EDUCATION SHOWS NO RESOLUTION TITLED T9-4.**

T9-5 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education mandates that financial and other resources be provided to tribal education departments, tribal colleges, Indian institutions of higher education and Indian/Alaska Native students to increase the number of American Indians/Alaska Natives in graduate study in areas consistent with Indian/tribal community developmental needs.

ACTION PLAN INCLUDED.

T9-6 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends amending the Carl D. Perkins Vocational and Applied Technology Education Act to provide assurance that a state plan for appropriated funds be earmarked for American Indians/Alaska Natives; and

FURTHER RESOLVE to amend the Jobs Training Participation Act to provide appropriate funding to assist American Indians/Alaska Natives with transportation support.

ACTION PLAN INCLUDED.

T9-7 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends that state certification include a requirement for teachers of elementary and secondary education to receive six hours of culturally relevant courses on American Indian and Alaska Native tradition and culture; and, the Federal government make available to tribal governments and Indian organizations funds to develop codes for institutional accreditation and certification of academic discipline.

THEREFORE, BE IT RESOLVED, that the above recommendation is agreed to, with the stipulation that further review and, where necessary, modifications be made prior to its implementation.

NO ACTION PLAN INCLUDED.

T9-8 THEREFORE, BE IT RESOLVED, that the White House Conference conferees support and urge the Congress of the U.S. to provide supplemental funding to tribally controlled colleges and post secondary institutions supported by tribal resolution to increase the number of professional personnel within Indian Nations through retention programs and innovative learning strategies by enacting state and federal legislation.

ACTION PLAN INCLUDED.

T9-9 THEREFORE, BE IT RESOLVED, that the White House Conference strongly urges that state and federal government mandate that all teachers take courses in tribal sovereignty, culture and history of Native Americans.

ACTION PLAN INCLUDED.

T9-10 THEREFORE, BE IT RESOLVED, the White House Conference on Indian Education hereby requests that the President of the U.S. and the U.S. Congress to provide support for the Development and Operation of Tribally Controlled College through funding as authorized in the Tribally Controlled Community Colleges Act.

Secondary Recommendations:

1. That the Executive Branch provide increased funding resources and technical assistance for feasibility studies for tribal communities seeking to establish Tribal Community Colleges.

2. That Congress fund the Tribally Controlled College Act at the full authorized amount of $5,820 per student.

3. That Congress amend the Tribally Controlled College Act to provide funding for the development of graduate, post-secondary graduate and post graduate at tribally controlled colleges, and furthermore, that the Department of Education be authorized to provide funding for same.

4. That Congress fund the construction portion of the Tribally Controlled Community College Act.

5. That Congress fund the Technical Assistance portion/Section of the Tribally Controlled Community College Act.

ACTION PLAN INCLUDED.

T9-11 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education hereby requests that the President of the United States and the Congress of the United States support the American Indian Higher Education Consortium efforts to develop the consortium's distance learning capabilities which has the potential to establish an American Indian/Alaska Native University Network.

ACTION PLAN INCLUDED.

T9-12 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education hereby requests that states provide financial support for non-Indian students attending tribally controlled colleges as tribal colleges do not receive funding through the Tribally Controlled College Act for these students.

BE IT FURTHER RESOLVED, that the above recommendation is agreed to, with the stipulation that further review and, where necessary, modifications be made prior to its implementation.

NO ACTION PLAN INCLUDED.

T9-13 THEREFORE, BE IT RESOLVED, that the White House Conference mandates an increase in the number of Native Americans/Alaska Natives recruited, trained, and hired into the teaching profession.

NO ACTION PLAN INCLUDED.

T9-14 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends that colleges and universities establish articulation agreements with high schools which would furnish general education requirements to potential students and lend expertise to K-12 programs in *"Indian Country"* and urban and rural Indian/Alaska Native communities, tribally controlled colleges, and other post secondary institutions supported by tribal resolutions.

NO ACTION PLAN INCLUDED.

T9-15 THEREFORE, BE IT RESOLVED, that the appropriate federal agencies launch a major initiative to support implementation of the latest information technology for elementary, secondary and higher education in Indian/Alaska

Native communities and in academic programs for American Indians/Alaska Natives.

THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education requests that the President of the U.S. and Congress of the U.S. provide financial support for the establishment of Archives, preservation of archives and support of museums, and heritage centers for Tribes where research, preservation and promotion of the culture and heritage of its members can be accomplished.

Specifically:

A. That the appropriate federal government agencies immediately determine and implement advance technology that delivers post secondary education successfully to Indian/Alaska Native communities and programs.

B. That grants be made available by the federal government to Native American/Alaska Native communities and educational programs for the purchase of high technology equipment and computer hardware and software to support local higher education.

C. That the Office of Indian Education provide technical training for Indian higher education staff to adapt and develop more appropriate and a greater number of technical tools to meet the specific needs of Indian/Alaska Native students and faculty.

D. That Congress appropriate funds and amend the appropriate statutes to provide for telecommunications for Indian/Alaska Native communities and higher education programs including access to the National Research and Education Network.

E. That federal and tribal programs provide support to organizations active in the area of cultural and historic preservation.

NO ACTION PLAN INCLUDED.

T9-16 THEREFORE, BE IT RESOLVED, that the White House conference on Indian Education supports the recommendation of the 1991 White House Conference on Libraries and Information Services that pertain to American Indians and Alaskan Natives, especially as contained in pages 58-63.

NO ACTION PLAN INCLUDED. PAGES 58-63 OF THE 1991 WHITE HOUSE CONFERENCE ON LIBRARIES AND INFORMATION SERVICES INCLUDED.

T9-17 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends that the recruitment and retention of Native American/Alaska Native students and faculty be a priority.

ACTION PLAN INCLUDED.

T9-18 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends that tribes support Indian/Alaska Native Students.

THEREFORE, BE IT RESOLVED, that the above recommendation be adopted for implementation absent an accompanying Action Plan *"By providing fellowships and employment opportunities at tribal offices for Native American/Alaska Native urban, rural and reservation students."*

NO ACTION PLAN IS INCLUDED.

T9-19 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends that the President of the U.S. and Congress to provide funding for Centers for New Growth and Development that will directly assist tribes with defining economic and social needs and establishing government infrastructure.

ACTION PLAN INCLUDED.

T9-20 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education recommends that state governments, institutions and agencies develop a plan and dialogue to provide for summer internships that will prepare students for employment with these agencies; and, the BIA and IHS should develop a plan and dialogue with all Federal agencies to provide summer internships and provide for future employment, and to enforce the requirement of the Indian Preference Act to apply to all Federal agencies.

NO ACTION PLAN INCLUDED.

T9-21 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends that Congress provide financial aid to

American Indian/Alaska Native students on an entitlement basis as part of the fulfillment of its trust responsibility to Native people.

ACTION PLAN INCLUDED.

T9-22 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education recommends that the Federal government provide funding to tribes for development of authentic and current histories and for tribal learning centers for language preservation, cultural preservation and development of historic preservation.

THEREFORE, BE IT RESOLVED, that the above recommendation is agreed to, with the stipulation that further review and, where necessary, modifications be made prior to its implementation.

NO ACTION PLAN INCLUDED.

T9-23 The White House Conference on Indian Education strongly supports amending the Higher Education Act: to establish a loan forgiveness plan for Indian/Alaska Native teachers and education professionals; to increase the number of quarters/semesters for financial aid eligibility; to increase the number and maximum award amount for Pell grants; to minimize or eliminate student/family contributions (as determined by congressional methodology); to remove federal income tax requirements on scholarships; to simplify the financial aid application process; and to increase funding for American Indian/Alaska Native students to all higher education levels.

NO ACTION PLAN INCLUDED.

T9-24 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education recommendation to the Federal government that the White House Conference on Indian Education strongly recommends that colleges and universities utilize in the admissions and financial aid process a consistent definition of Native American/Alaska Native which does not infringe on the tribe's authority to define membership and to guard against student self-identification.

NO ACTION PLAN INCLUDED.

T9-25 THEREFORE, BE IT RESOLVED, that we recommend that an articulation between high school and colleges to be established. Successful articulation between high schools and colleges should provide improved school attendance,

high school graduation and enable Indian/ Alaska Native students to gain college credit while they are enrolled in high school. This will enable the student to gain high school and college credit during their last year of high school and give them an early start in college.

NO ACTION PLAN INCLUDED.

T9-26 THEREFORE, BE IT RESOLVED, that recognizing the need for Indian teachers that will effectively provide role models for our Indian/Alaska Native students. We recommend that state institutions with the assistance of Federal, state, tribal funds to provide a relevant teacher training program.

We recommend that a cooperative agreement be established with tribes, school districts and community agencies to implement this recommendation. Develop a teacher training program for Indian/Alaska Native people. Work with colleges and Universities to ensure that graduates of this program will receive state certification. Provide funds for a teacher training program.

NO ACTION PLAN INCLUDED.

T9-27 THEREFORE, BE IT RESOLVED, that the White House Conference strongly recommends that State plans pursuant to the Carl D. Perkins Act specifically address the needs of American Indians/Alaska Native students by directing the Department of Education to require states provide written assurances and documented plans to meet vocational education needs space upon consultation with the affected Native population.

NO ACTION PLAN INCLUDED.

T9-28 THEREFORE, BE IT RESOLVED, that the White House Conference strongly recommends that states respond fully to the needs of single Indian parents eligible to participate in training sponsored under any section of Carl D. Perkins Act.

NO ACTION PLAN INCLUDED.

T9-29 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education recommends that Indian/ Alaska Native graduate students receive adequate financial support and the institutions provide linkage or job opportunities for students while attending graduate school, and these linkages should provide employment upon graduation.

NO ACTION PLAN INCLUDED.

T9-30 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends that graduate study be funded at adequate levels and increased funding provided to tribal governments for the implementation of graduate program funding and research.

NO ACTION PLAN INCLUDED.

T9-31 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education strongly recommends that, pursuant to the trust relationship between Indian /Alaskan Native Nations and the U.S. Government, scholarships should be exempt from rules proposed in the Federal Register, December 10, 1991, entitled "Non-discrimination in Federally Assisted programs, Title VI of Civil Rights Act of 1964.

NO ACTION PLAN INCLUDED.

TOPIC 10 - NATIVE, NON-NATIVE SCHOOL PERSONNEL

10-1 THEREFORE, BE IT RESOLVED, that a uniform and consistent funding cycle which does not change from year to year must be established for all Indian and Alaska Native programs. Forward funding must be included in this policy change.

THEREFORE, BE IT RESOLVED, that the above recommendation be adopted with the accompanying Action Plans for Teacher/Administrative In-service/Pre-service Training; Student Issues; and Family/Community.

ACTION PLAN INCLUDED.

TOPIC 11 - ADULT EDUCATION & LIFELONG LEARNING; PARENTAL, COMMUNITY & TRIBAL PARTNERSHIPS

11-1 THEREFORE, BE IT RESOLVED, that an immediate assessment be conducted to consider updating and consolidation of Adult Indian Education legislative policy and program regulations.

ACTION PLAN INCLUDED.

11-2 THEREFORE, BE IT RESOLVED, that a nation-wide comprehensive assessment of Indian Adult Education and Occupation needs to conducted every three years to correlate educational program demands with the annual congressional budget request.

ACTION PLAN INCLUDED.

11-3 THEREFORE, BE IT RESOLVED, that to promote current and future announcements of Indian/Alaska Native Organizations/business corporations reflect that applicants must have background experience in adult education and life long learning skills to be considered for employment.

ACTION PLAN INCLUDED.

11-4 THEREFORE, BE IT RESOLVED, that the feasibility of partnerships between tribes, Indian communities, Local, State and Federal Agencies be explored as a vehicle to direct funds, to provide attendant support services, and to define tribal, state and Federal administrative responsibility and duties for adult education programs of American Indian and Alaska Native Tribes.

NO ACTION PLAN INCLUDED.

11-5 THEREFORE, BE IT RESOLVED, that tribes, states and the Federal government establish occupational, adult and community education of American Indians and Alaska Natives as a priority of Social and Human Resource Development.

ACTION PLAN INCLUDED.

11-6 THEREFORE, BE IT RESOLVED, that we increase funding for adult education services to meet the cultural vocational and educational needs of Indian families in order to support the philosophy, policies and mandates of tribes, Alaska Natives, and Indian organizations based on the unique status that Indian Nations have with federal and state governments.

ACTION PLAN INCLUDED.

11-7 THEREFORE, BE IT RESOLVED, that local control of Indian education be strengthened by: establishment of tribal education departments; implementation of tribal educational codes which include standards and certification; tribal definition of *"consultation"*; establish parents and

community policy boards for leadership and education; development of tribal regulations governing adult education.

ACTION PLAN INCLUDED.

11-8 THEREFORE, BE IT RESOLVED, that culturally-based learning centers be established to enhance traditional culture and educational opportunities, with advanced technology and attendant support services for reservation, rural and urban Indian/Alaska Native adults as the basis of the appropriate needs of the local Indian community including adult education, language and culture instruction, career counseling, parenting classes, and library and information services.

ACTION PLAN INCLUDED.

Long Range - Increase and ensure funding for adult education programs. Monitor effectiveness of programs. Number of adults taking GED, number of adults entering workforce, number of adults entering college. Continued support of legislation which appropriates funds for culturally-based learning centers.

Short Term - Tribes/Local community/educational institutions conduct needs assessment. Identify available resources: community resources (i.e., Indian elders, educators, etc.), Community Colleges, Libraries, Funding for Adult Education (federal & state). Develop directory to identify support services, support current legislation which appropriates funds for culturally-based learning centers.

11-9 THEREFORE, BE IT RESOLVED, that innovative and need appropriate adult education programs be established for: high school completion (especially adult high schools); for pre-college programs; and programs for cultural education, literacy, basic education, occupational, parenting and life coping skills.

ACTION PLAN INCLUDED.

11-10 THEREFORE, BE IT RESOLVED, that we establish a National Tracking System, after a one year pilot project, with the Office of Indian Education, in consort with the Office of Elementary Education and appropriate National Indian/Alaska Native Organizations (i.e., NIEA, NACIE, etc.).

ACTION PLAN INCLUDED.

11-11 NOW THEREFORE, BE IT RESOLVED, that:

1. The United States Government under its legal, ethical and moral responsibility, recognize the serious underfunding of Indian/Alaska Native education and take steps to correct the situation, such as, to immediately increase the ISEP formula.

2. A federal program be established to provide steady,k dependable grants directly to tribal governments to enable tribes to operate Tribal Departments of Education.

3. Memorandum of Agreements be established between tribes and the United States Department of Education which will allow Indian governments direct access to federal programs under the U.S. Department of Education.

4. Tribal governments, consistent with their sovereign authority, exercise direct control over the educational systems which serve their children on their reservations.

5. Appropriations be allocated immediately for new school facilities.

6. Federal school facilities be available to communities for community education, recreation and enrichment year round.

NO ACTION PLAN INCLUDED.

MISCELLANEOUS RESOLUTIONS

M-1 NOW THEREFORE, BE IT RESOLVED, that We, the delegates convened for the 1992 White House Conference on Indian Education, on behalf of the Indian Nations, communities and youth that we represent, hereby express our sincere and heartfelt appreciation to the Honorable Morris "Mo" Udall. We applaud his outstanding and enduring achievement; We urge all tribal, state and national politicians and leaders to use his career of achievement and his standards of integrity and devotion to duty as a model for all their actions;

BE IT FURTHER RESOLVED, that we urge Congress to promptly enact enabling legislation to implement the Morris K. Udall Scholarship and Excellence in National Environmental Policy Act. And in conclusion, we say, *"May the Rainbow of Beauty Continue to arch over his life."*

NO ACTION PLAN INCLUDED.

M-2 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education delegates recommend to the President of the United States and Congress of the U.S. that new funds be allocated to the U.S. Department of Education and the U.S. Department of the Interior for the purpose of training new native teachers, counselors, special education personnel, administrators and other professional personnel; and

BE IT FURTHER RESOLVED, that the White House Conference on Indian Education delegates recommend that no less than $12 million be included in the FY 1993 as well as in future fiscal years for teacher training programs; and

BE IT FURTHER RESOLVED, that Title V be amended to include language that requires Fellows to work in an Indian community for a period of time equal to the number of years the Fellow received Title V Fellowship Funding.

NO ACTION PLAN INCLUDED.

M-3 WHEREAS, the delegates to the White House Conference on Indian Education call on the Office of Indian Education Programs to be an assertive advocate for quality education for all Indian and Alaska Native children, in coordinating comprehensive support for Indian and Alaska Native students internally and from other agencies in education, mental and physical health, juvenile justice, and job training; and in carrying out responsibilities for Indian and Alaska Native students in public and Bureau funded and operated schools consistent with the wishes of the appropriate Indian tribes and Alaska native entities;

THEY MUST:

Assure that every Indian child has access to a quality preschool program, whether center-based or home-based; provide ongoing training and involvement opportunities for parents; implement the local control provisions of Public Law 95-561 to its maximum extent to foster site-based management; embrace the Effective Schools improvement model for all OIEP funded schools by giving every school and opportunity to implement it; develop measures of school and student success that are authentic and relevant to reservation realities, tribal needs and the emerging work force; become the major advocate for tribal language and culture realizing that this is the base for the need for building self-esteem; improving for success for the Indian children; send a clear message to all OIEP employees from Central Office through the Line Office and school that their major purpose and goal is implementing locally determined educational outcomes of Indian children; and provide ongoing access to on-site and centralized training and technical assistance for school boards, principals, teachers, and administrators that reflects current and state-of-the-art trends.

NO ACTION PLAN INCLUDED.

M-4 THEREFORE, BE IT RESOLVED, that the White House Conference on Indian Education requests President George Bush in his 1992 State of the Union Address establish American Indian and Alaska Native Education as a major priority for immediate action in 1992 and future years.

(Listed as for immediate delivery to the U.S. President George Bush and cover letter signed by Buck Martin shows it was delivered on January 27, 1992.)

NO ACTION PLAN INCLUDED.

***SUMMARY**: The above resolutions and plans of action adopted by the Conference Delegates are far reaching, often independent, and in some cases contradictory. They reflect not only the diversity of American Indians and Alaska Natives, but also the willingness of Indian people to work together as a single voice. The primary goal of the conference was to bring national attention to the educational needs of Indian people and develop a plan of action for meeting those needs.*

It has been over a year since the passage of the above resolutions. To date no comprehensive plan has been made to implement the recommendations nor has any agency of the federal government been delegated with the responsibility or resources needed for follow up activities. NACIE has begun the first step in this direction by disseminating the results of this conference through various media.

PART 4

THE FIRST FEDERAL ENTITLEMENT PROGRAM

LAND FOR EDUCATION

Land base

American Indians and Alaska Natives in what is now the United States once lived on 2,318,997,760 acres of land. During the period from 1492 to 1776, a number of European nations laid claim to huge tracts of this land, usually with little regard for its aboriginal use. Between 1778 and 1871, referred to as the Treaty Period, most of the lands which remained in Indian hands were ceded to the United States except for about 140 million acres. The Dawes Severalty Act of 1887, commonly known as the Allotment Act, facilitated the loss of much of that. President Grover Cleveland, after somewhat reluctantly signing the Dawes Severalty Act, commented, *"Hunger and thirst of the white man for Indians' land is almost equal to his hunger and thirst after righteousness."* In the generation following the passage of the Act, Indians lost an additional ninety million acres. Today, 56,611,426.99 acres or 2.44 percent of their original holdings remain in Indian hands. The following maps show the comparison at significant times between the original Indian land base in 1492 and the current Indian land base.

Population

At the time of Columbus, the native population of what is now the United States is estimated to have ranged between 1,000,000 and 2,000,000 depending on the source. By 1860 that had dropped to about 340,000. By 1910 the population had dropped to an all-time low of 220,000. Though the population is increasing and now is nearly 2,000,000, American Indians are statistically insignificant as compared to the total population of the United States.

Laws

The United States Constitution makes reference to Indians twice. Article 1, Section 2 of the Constitution as amended by the Fourteenth Amendment prescribes that *"Representation shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed."* Article 1, section 8 of the Constitution includes as a power of Congress *"To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"*.

Treaties are mentioned in Article VI of the Constitution which prescribes that *"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."* Hundreds of treaties were made between the United States and Indian tribes and nations during the Treaty Period. Almost without

exception, treaties were the instrument used to "legally" obtain Indian lands. Indian tribes and nations gave up lands, usually under duress, in return for peace and a guarantee that they would be able to keep "forever" the lands that remained, although they were only a fraction of their original land base. In some cases, many treaties were made over and over again with the same Indian tribes or nations. Some treaties were not ratified, but the end results were the same--the loss of Indian lands. Education, as well as other services, were often included as treaty provisions. Approximately 100 ratified treaties contained provisions for educating Indians.

The Continental Congress in 1775, before the creation of the United States Congress, approved money for Indian education. Since the creation of United States, the federal government has been directly involved and been most responsible for the education of Indians through the passage of legislation which has established policies and appropriations for the education of Indians. The following article which was prepared for the Indian Nations at Risk Task Force more thoroughly discusses the entitlement argument.

Problems

In spite of the unique and special relationship between Indians and the federal government, fluctuating federal Indian education policies, undependable or insufficient funds for Indian education programs, inconsistent funding patterns, competition by federal, state, and local governments for exemption from financial responsibility for Indian education, conflict between financial responsibility and program responsibility, are among some of the causes of the problems exemplified in the Kennedy Report. This lack of substantial progress will continue and adversely effect the education of Indian children and adults until a consistent and adequate federal policy for Indian education is clearly defined.

Recommendations

It is recommended that Indian education be clearly defined as a federal entitlement program and treated accordingly. Federal entitlement programs such as Social Security are protected from the laws intended to decrease the federal deficit such as the Gramm-Rudman Act. It is recommended that Indian education programs be immune from all budget cuts. It is recommended that Indian education be adequately funded from pre-school through and including higher education, and that "adequate funding" be determined by a panel of experts on educational funding which is not less than the average cost across the nation. It is finally recommended that once a base amount is established for an adequate cost to educate Indian students, it thereafter be tied to the consumer price index and adjusted annually for inflation accordingly.

RESPONSIBILITIES AND ROLES OF GOVERNMENTS AND NATIVE PEOPLE IN THE EDUCATION OF AMERICAN INDIANS AND ALASKA NATIVES

by: Kirke Kickingbird
and G. Mike Charleston

Abstract

The standards set forth five hundred years ago to guide the political relationship between the Native peoples of the Americas and the peoples of Europe are the standards that govern that relationship and the recognition of inherent tribal sovereignty. The powers of Native governments are a vital living force utilized every day in Indian Country. The rest of American society may rarely hear or see these powers unless a litigated controversy is handed down from a federal court or the U.S. Supreme Court. It will catch a moment's notice because the idea of Native governmental powers may seem such an anomaly.

Many of the Native governmental powers remain intact; and, although there has been encroachment in some areas as a result of judicial decision or statutory enactment, the basic authority of the legislative, executive, and judicial departments of Native governments remain ready to be exercised. These powers are defended by the Native governments themselves, by the Congress, and by the courts. Although at the present moment, Congress is the defender of Native governmental powers, the traditional supporter of such powers has been the Supreme Court. When the United States entered into the government-to-government relationship, it made a commitment to support the Native governments. Native leadership can be effective only when it is properly educated. Native peoples regard the provision of resources for proper education as part and parcel of the special legal relationship with the United States.

This paper is not so much about Native education as it is about Native government. The recommendations to be made are quite simple. Congress must continue to support the authority of Native governments to control and regulate Native education provided through federal, tribal, and public schools on reservations. In a setting outside Indian Country, control of Native education must remain in the hands of Native parents. And, Congress must provide the financial resources to achieve these goals. History has provided clear evidence that Native education can only be a success when Natives control Native education. And finally, Congress must provide Native governments with the legislative tools to achieve these goals. Of what do these tools consist? They consist of new agreements described by Congress in its New Federalism Report. A century ago these agreements were called treaties: "We must promise the word of our nation once again by entering into new agreements that both allow American Indians to run their own

affairs and pledge permanent federal support for tribal governments. Only by enshrining in formal agreement "The federal government's most profound promise that we will finally bury the discredited policies of forced tribal termination and Indian assimilation deep in their deserved graves" (New Federalism, p. 17).

Introduction

The education of American Indians and Alaska Natives has been pursued according to standards set by non-Natives since the arrival of the Europeans upon the North and South American continents. As exploration gave way to colonization, Europeans began to compete with Natives for the political, territorial, and economic dominance of the Americas. Initial treaty agreements seemed to indicate that Native governments and the Europeans would operate on a level of political equality. Convinced that their culture was superior to that of Natives, the Europeans felt that it was their moral duty to convert Native people intellectually, economically, and religiously.

The Spanish were the first to institute schools for Natives. Mission schools and colleges were established by the Jesuits throughout North and South America with the primary purpose of teaching Natives the Spanish language in order to convert them to Christianity. The Spanish founded the first school for Natives in 1523 in Mexico where 1,000 Native boys learned reading, writing, arithmetic, vocational trades, and the catechism (Williams, Bartlett & Miller, 1958, pp. 210-211).

The British began permanent settlement of North America in 1607 with the establishment of Jamestown, Virginia. During British colonization, the churches and a few concerned individuals promoted the cause of education of the Natives sporadically during the 17th and 18th centuries. Few Native children availed themselves of the opportunity, however, because what was taught was not relevant to their needs (Fletcher, 1888, p. 34).

The United States government followed a similar pattern of controlling the content and administration of the type of education that Natives needed. The goals were largely the same as those established by the Spanish and the British which were assimilation and Christianization (United States Congress, American Indian Policy Review Commission, Task Force Five, Report on Indian Education, 1976, p. 28; hereinafter cited as AIPRC Education Report, 1976). The pattern of external government determination of Native people's educational needs remained the hallmark of Native education until the 1970s. The results of these formal efforts by European and American societies to educate and "civilize" American Indians have been devastating -- so much so that a special Senate Subcommittee on Indian Education proclaimed the state of Indian education to be a "national tragedy." (U.S. Senate, Special Subcommittee on Indian

Education, *Indian Education: A National Tragedy -- A National Challenge*, S. Report No. 91-501, Committee on Labor and Public Welfare, hereinafter cited as National Tragedy, 1969).

As we look back over the history of the white society's conceptualization of "Indian education," it becomes clear how and why the efforts and the great amount of tribal funds and federal tax dollars that have been devoted to the purpose of Native education have had so little positive effect. Those who governed Native education never provided a role for the Natives to determine how they were to be educated. With the passage of the Indian Education Act in 1972 the U.S. Congress demonstrated that it could learn from the mistakes of the past and use this knowledge in building a foundation for the future. The most essential element in this foundation is the recognition of the necessity for Native participation in the control of Native education. The treaty guarantee of Native self-government means that it is the American Indian and Alaska Native conceptualization of education that must guide the future course of Native education, see *Harjo v. Kleppe*, 420 F. Supp. 1110 (D.D.C. 1976) and *EEOC v. Cherokee Nation*, 871 F. 2d 937 (10th Cir. 1989).

Historical Basis for the Government-to-Government Relationship

The government-to-government relationship is one of the common names for the fundamental concept which guides the relationship between the United States and Native governments. It is a simple term for the complex political and legal relationship that has evolved between Native governments and the federal government. Its origins begin over five hundred years ago (Public Papers of the Presidents of the United States, Ronald Reagan, Statement of Indian Policy, January 24, 1983, pp. 96-100).

Medieval Europe was beginning a trade with Asia. The rise of the Ottoman Empire, the defeat of a crusader army at the Battle of Varna in 1444 which confirmed Ottoman control in Europe, and the capture of Constantinople in 1453 and its establishment as the Ottoman capital of Istanbul set the stage for a European voyage to the West. Europe could still trade with Asia after 1453, but the merchants of Europe wanted to establish trade with China and Japan that did not have the extra cost of an Ottoman tariff (Ferguson, 1962, p. 407; Thompson, 1931, pp. 376-377).

The Portuguese had made a great success of their trading efforts along the west coast of Africa by 1460 and had reached the Cape of Good Hope at Africa's southern tip. They were ready to move on to India by 1488. It was shortly after this date that Columbus convinced Spain's monarchs to sponsor his voyage. When Europeans "discovered" the existence of America, it raised questions about how to deal with the new lands and new peoples.

The Aboriginal Rights of Native People

Out of the many by products of Columbus' voyage, we are concerned with the one specific question raised by the Europeans' discovery of the existence of a land mass between Europe and Asia: What is to be the relationship between the inhabitants of the Americas and the people of Europe?

The Emperor of Spain called on a lawyer to advise him about the rights of the "Indians" in 1532. some of the Emperor's advisers had suggested that the Natives of the Americas had no rights at all since they were not Christians. Francisco de Vitoria, theologian and jurist, rendered his legal advice and told the Emperor of Spain that there could be no change in the ownership of land in the Americas or change in the independent political status of nations in the Americas unless the Natives gave their consent. The Doctrine of Discovery, Vitoria advised, applied only where land was ownerless. Vitoria's advice set the stage for treaties to be negotiated between the European and Native nations (Cohen, L., 1960, pp. 230-252).

Vitoria's advice favoring Native rights and the opinions of his opponents who opposed Native rights set the foundation for what we know in the United States as Federal Indian Law. Across five centuries, we can measure the effectiveness of Native legal rights by the four leading principles established by Vitoria which follow:

- Political equality of the races.
- Tribal self-government.
- Central government control of Native affairs.
- Governmental protection of Native rights.(Cohen, L., 1960, pp. 240-247)

Vitoria's announcement that the Doctrine of Discovery did not apply because the lands were inhabited resulted in the Europeans developing a twist to "Discovery" to regulate competition among themselves (Cohen, 1972, p. 46). The theory that finally evolved said that "Discovery" gave first right to the discovering power to extinguish the ownership rights or title of the native inhabitants if the Natives wished to sell. This right of preemption settled the question of rights between the European powers, but not between the Natives and the Europeans (*Worcester v. Georgia*, 31 U.S. 515, 543-544, [1832]).

Britain, Spain, and France competed for control of North America, and each sought its own set of Native allies. Trade grew up in North America with the primary commodities supplied by the Natives being furs, fish, tobacco, and other agricultural

products. The Europeans supplied guns, powder, woolen cloth and blankets, iron implements, and tools. Land soon became a focus of trade as Britain and Spain sought to establish colonies. Land acquisition by Europeans soon became a source of conflict with the Native governments. Britain consolidated its power in North America in 1763 by defeating the French in Quebec. The Crown asserted its authority over all Native affairs and Native trade. To solve trade conflicts with the Native governments, including trade in land, the Crown issued its Royal Proclamation of 1763 establishing the boundaries of Indian Country and confirming its policy of acquiring Native land by purchase.

This pattern of resolution of conflict by direct negotiation between the Native governments and the non-Native governments and recognition of the governmental authority of Native governments is the government-to-government relationship. The treaty documents formalized the government-to-government relationship (see Kappler, *Laws and Treaties*, Vols. I-VII). In the present day, numerous statutes implement this relationship and assign the primary duties for its conduct to the Bureau of Indian Affairs, U.S. Department of the Interior.

The Constitutional and Legal Basis of the Trust Responsibility and Fiduciary Relationship of the United States with Native Governments

All of the colonial powers recognized the sovereignty of Native nations and had entered into numerous treaties with Native governments. As the American Revolutionary War came to a close, the newly formed United States government, operating under the Articles of Confederation, had to deal with the issues of land ownership. When the United States won the Revolution it was suggested that the land of tribes which had sided with the British be treated as subject to the Doctrine of Conquest. Secretary of War Knox pointed out the difficulties and options that faced Congress on May 22, 1778, when he provided the following information:

1. The tribes were disgusted with conquest.

2. The British practice had been to purchase the right of the soil from the Indians.

3. The pursuit of conquest would mean continuous warfare which the United States could not afford (the Treasury was empty).

4. The purchase of the land by treaty would be the least expensive course (Mohr, 1933, pp. 132, 219).

Congress decided to discard the fiction of "Conquest" and appropriated funds to proceed with the extinguishment of Native land claims by purchase. Although "Conquest" is a popular notion about the acquisition of Native land, it is not the primary process through which the United States acquired Native land (United States Indian Claims Commission, Final Report, 1979, p. 1).

One of the failings of the government of the United States under the Articles of Confederation was the lack of clarity about the powers of the central government. Under the U.S. Constitution, the conduct of Indian affairs was committed to the federal government (Kickingbird & Kickingbird, 1987, pp. 23-24). The Commerce Clause and Treaty-Making Clause of the U.S. Constitution coupled with the decisions in two important Cherokee cases decided by the U.S. Supreme Court form the legal basis for the guardian-ward relationship between the U.S. government and the sovereign Native governments (Cohen, 1972, p. 170).

The legal theory holds that when the tribes took the protection of the United States through treaty, the Native governments relinquished use of their *external sovereignty*. Many tribes ceded vast quantities of land to the United States and agreed to no longer conduct treaty negotiations with any nation other than the United States in exchange for rights to continue to exist in a peaceful state under the protection of the United States and in exchange for goods and services to be provided by the United States. The United States, on its part, committed itself to fulfill treaty terms and protect the property and rights of the Native governments. This protection of property rights carries with it trustee responsibilities. The tribes retained *internal sovereignty* as self-governing, independent Native nations that dealt with the United States through treaties as all other nations of the world. Many tribes negotiated multiple treaties with the United States as time passed and circumstances changed.

One of the clearest expressions of Vitoria's principles for the relationship between the Native governments and the United States was contained in the Ordinance of July 13, 1787, (1 Stat. 52) defining government for the territory of the United States Northwest of the River Ohio, Section III:

> The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, from time to time shall be made for preventing wrongs being done to them, and for preserving the peace and friendship with them. (Kappler, 1929, Vol. IV, p. 1153)

The Doctrine of the Law of Nations applied to the Native governments was first set forth in the U.S. Supreme Court decisions involving the Cherokee cases (*Cherokee Nation v. Georgia*, 30 U.S. 1 [1831] and *Worcester v. Georgia*) The state of Georgia

was attempting to assert jurisdiction over the territory of the Cherokee and the Court determined that:

- States have no jurisdiction within the Indian Country.
- Native governments are "distinct, independent, political communities,"
- The relationship between the Native governments and the United States resembles that of a guardian to a ward.

Tribal Sovereignty

All of the colonial powers, and later, the United States recognized the sovereignty of Native nations by entering into over 800 treaties with the Natives. Under international law, treaties are a means for sovereign nations to relate to each other (Kickingbird, Kickingbird, Chibitty & Berkey, 1977, p. 6). In 1762 three Cherokee chiefs carried out a diplomatic mission to London which resulted in an English-Cherokee Treaty in 1763. One of them was Outicite, or Mankiller, who was often a guest of Thomas Jefferson's father (Kickingbird & Kickingbird, 1987, p. 19). (Wilma Mankiller, in 1987, was elected as the first woman chief of the Cherokees in Oklahoma.)

The fact that Europeans and the United States made treaties with Native governments demonstrates that they recognized the sovereignty of Native governments. In *Worcester v. Georgia*, the United States Supreme Court said that "...the very fact of repeated treaties with them recognized (the Natives' right to self-government) and the settled doctrine of the law of nations is that a weaker power does not surrender its independence -- its right to self-government -- by associating with a stronger, and taking its protection," 31 U.S. 515, 559-61 (1832).

The power of Native governments to wage war was pointed out by the Supreme Court on several occasions as evidence of their sovereign character. See for example, *Montoya v. U.S.*, 180 U.S. 269 (1901); *Marks v. U.S.*, 161 U.S. 297 (1896). And, when critics complained that Native governments were not "nations" in the European sense, the Court responded that:

> The words "treaty" and "nation" are words of our language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians as we have applied them to other nations of the earth. They are applied to all in the same sense. (*Worcester v. Georgia*, 31 U.S. 515, 559 [1832])

While the exercise of sovereign powers by Native governments has been restricted to some extent by the terms of treaties and statutes passed by Congress to carry out those treaties, there can be no doubt that the United States and other nations have recognized the inherent sovereignty of Native governments and their right to self-government (Cohen, 1942, *Handbook of Federal Indian Law*, p. 122: U.S. Department of Interior, Solicitors Opinion, 1934, *Powers of Indian Tribes*, p. 55 I.D. 14).

- Consequently, we know Native governments are sovereign because:
- Native governments and tribes feel they are sovereign.
- Native governments have exercised sovereign powers.
- Other nations have recognized the sovereignty of Native governments.

The distribution of governmental powers between the federal government, on the one hand, and the original 13 states, on the other, was made in the United States Constitution. The states delegated certain powers to the federal government and retained others. Included in this delegation was the power of the central or federal government to control Native affairs and to make treaties and regulate commerce with Native governments.

The distribution of governmental powers between the United States government and each Native government was somewhat similar. Over the decades and for various reasons, each tribe granted certain amounts of its sovereign powers to the United States government in exchange for certain benefits and rights. This was done by treaty, agreement, or statute.

Whatever powers the federal government may presently exercise over Native governments, are delegated to the United States in an on-going trust relationship from the Native governments themselves. The point to remember is that all of the powers were once held by the Native governments, not the United States government (Kickingbird, et al., 1977, pp. 7-8).

Treaty Rights

Exercising their sovereign powers, the Native governments entered into numerous treaties with the United States. These early treaties usually dealt with military, political, or economic alliances. Treaty terms addressed a wide variety of subjects. The negotiation of treaties spoke to the issue of self-governance by the Native nations. All of these treaties have been supported by various pieces of federal legislation from the beginning of the United States government down to the present day.

Education Provisions of Treaties

Under the British colonization, the churches and a few concerned individuals promoted the cause of education of Natives sporadically during the 17th and 18th centuries. In 1691, the bequest of the Honorable Robert Boyd announced that *"the Christian faith be propagated amongst the Western Indians."* The money went to William and Mary College to provide schooling for Native boys in the area of reading, writing, arithmetic, and the catechism and to supply them with *"fittings and furnishings"* while they attended school (Kickingbird & Kickingbird, August, 1979, pp. 14-15). However, only a few Natives were ever allowed admission to the college (see Commissioned Paper 17, Wright, 1991 of the Supplemental Volume).

Some fifty years later, during the signing of the Treaty of Lancaster between the Government of Virginia and the Six Nations of the Iroquois Confederacy, the Virginia commissioners offered to educate six Seneca young men in the College of William and Mary. The attitude of the Natives toward the white men's education is well stated in the following response by one of the chiefs:

> We know that you highly esteem the kind of learning taught in those colleges... But you, who are wise, must know that different nations have different conceptions of things; and you will, therefore, not take it amiss if our ideas of this kind of education happen not to be the same with yours. We have had some experience of it. Several of our young people were formerly brought up at the colleges of the northern provinces; they were instructed in all your sciences; but when they came back to us they were bad runners, ignorant of every means of living in the woods, unable to bear either cold or hunger, knew neither how to build a cabin, take a deer nor kill an enemy, spoke our language imperfectly; were therefore neither fit for hunters, warriors nor counselors; they were totally good for nothing. We are, however, not the less obliged by your kind offer, though we decline accepting it; and to show our grateful sense of it, if the gentlemen of Virginia will send us a dozen of their sons we will take great care of their education, instruct them in all we know, and make men of them.

Some of the northeastern tribes began to see a need for education, however. As a result of a Mohegan Chief's request to the Continental Congress for teachers and instructors in milling and tilling of the soil, the Congress, on July 12, 1775, appropriated $500 for the education of Indian youth at Dartmouth College in New Hampshire. Some years later, Cornplanter, a Seneca Chief, asked President Washington for instruction for his people in the area of ploughing, milling, and smithing and in the 3Rs. Washington, through his Secretary of War, responded warmly to Cornplanter's request by saying that either at the time of treaty negotiations or at another convenient time formal arrangements would be made to impart *"the blessing of husbandry and the arts"* to the Senecas. Although Cornplanter's request was never fulfilled, the concept of educational provisions in treaties aroused interest.

The first Indian treaty of the United States was between the Delawares and the Continental Congress of the United States, signed in September of 1778. It established the legal interaction between Native governments and the federal government that was followed for almost a century (AIPRC Education Report. 1976, p. 29). It was a treaty of alliance between the United States and the Delaware (Kappler, 1929, Vol. II, p. 3). Article II provided for a mutual military defense pact between the two parties.

An important aspect of this treaty was Congress' view of the status and stature of the Native governments. The treaty provided in Article IV that the Delaware and other tribes allied with the United States could form a state and send a delegate to Congress. Article V of the Delaware Treaty focused on the need for a *"well-regulated trade."* It was well-known that cheating traders had caused more than one Indian war on the frontier. Article VI guaranteed the *"territorial rights"* of the Delaware.

Thirteen treaties later, the first educational provisions were included in Article II of the Treaty of December 2, 1794, between the United States and the Oneida, Tuscarora, and Stockbridge Indians whereby the United States agreed to provide a person to *"instruct some young men of the three nations in the arts of the miller and sawyer, and to provide teams and utensils for carrying on the work of the mills"* (7 Stat. 47). Eventually, 95 other Indian treaties signed over a period of 80 years provided education-related services to tribes.

In 1803, additional educational provisions appeared in the Treaty with the Kaskaskia. Under the treaty, the United States agreed to pay $100 annually to support a Catholic priest *"to perform for the said tribe the duties of his office and also to instruct as many of their children as possible in the rudiments of literature"* (7 Stat. 78). One year and two treaties later, in the Treaty with the Delawares signed on August 18, 1804, a *"civilization"* program was funded providing $300 for ten years. Included in the civilization process was the teaching of fencemaking, cultivation and *"such domestic arts as are adapted to their situation"* (7 Stat. 81). These examples are obviously the foundation for the tradition that Native education must be conducted at bargain rates.

Although the heart of most of the treaties which followed dealt with cessions of land by Native governments to the U. S. federal government, education soon became an important adjunct to accomplish the task. Since Natives needed such large tracts of land to hunt, it soon became apparent that the only way they could be restricted to small land areas would be to turn them into farmers. Thus, working hand in hand, first with the Catholic Church and then with the many Protestant churches whose goals were to *"Christianize the heathens,"* the U.S. Government began to develop and implement plans for the mass *"civilization and Christianization"* of Natives. The only separation in which the Church and State appeared to be concerned was that of Natives from their land.

PART 4 - THE FIRST FEDERAL ENTITLEMENT PROGRAM

Congress passed the Trade and Intercourse Act of 1802 which included the first formal statutory provision for federal responsibility for education. Although the treaties of the decade and a half between 1804 and 1818 did not contain educational or civilization provisions, the idea had become entrenched.

On March 3, 1819, the Congress passed an Act establishing the "Civilization Fund" (U.S. Statutes at Large, Vol. 4, 516) which appropriated an annual sum of $10,000 for the purpose of "providing against the further decline and final extinction of the Indian tribes adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization..." This act became the chief legislative foundation for Indian education until it was repealed by the Act of February 14, 1873. Through this Act, the United States assumed general responsibility for the "civilization" of Natives without reference to treaties or treaty-related responsibilities with the intent of assimilating Natives into mainstream society (AIPRC Education Report, 1976, p. 34).

"Education" and "civilization" were early aspects of the federal government's Indian policy. In 1832, when Congress established the position of Commissioner of Indian Affairs under the Department of War, Indian education became a responsibility of the new Commissioner. The common attitude on the part of the early Indian Commissioners is shared by Commissioner Crawford T. Hartley in a statement written in his annual report in 1838: *"The principal lever by which the Indians are to be lifted out of the mire of folly and vice in which they are sunk, is education."*

Another justification for educating Natives was presented by Commissioner William Medill in his Annual Report of 1847. In it he says,

> *While tribes remain in the aboriginal or hunter state there can be no just or adequate appreciation among them of the practical use of letters. Agriculture and the mechanic arts serve to awaken a new interest, by teaching them the true relations they bear to each other and to the civilized community around them.*

But in 1850, again in support of manual labor training, Commissioner Luke Lea perhaps put the policy in a truer perspective when he said that Indians must *"resort to agricultural labor or starve."* Manual training schools were well-entrenched by the middle of the century. As early as 1848, 16 manual training schools serving 800 students and 87 boarding schools serving about 2,900 students were operating with support of the various churches and a little acknowledged group, the tribes themselves from their own treaty monies. In fact, the tribes and the churches were paying for a considerably larger portion of the total cost of Indian education than was the federal government. The statistics from as early as 1825 verify this fact.

The tribes continued to contribute large amounts to the building of schools and the hiring of teachers throughout most of the 19th century. The Commissioner of the Indian Office openly recognized this fact in 1849 when he said, *"nearly the whole of the large amount required for the support and maintenance of the schools now in operation is furnished by the Indians themselves out of their national funds."* He went on to recommend that the $10,000 appropriated by the Act of 1818 be increased to $50,000 in order to realistically accomplish the goals of education among the Natives. By 1855, the aggregate amounts spent on education were $102,107 by the U.S., $824,160 appropriated and accumulated from Indian funds, and over $400,000 paid out by the Native governments among themselves and from individuals and churches, for a total exceeding $2,150,000 (Kickingbird, K. & L., September, 1979, p. 16).

Authority of Congress

The authority of Congress over relations with Native nations on behalf of the United States is established by the Constitution. Congress was delegated authority by the states to regulate trade and enter into treaties with Native governments. Congress also has the authority to abrogate a treaty. *"Unquestionably a treaty may be modified or abrogated by an Act of Congress, but the power to make and unmake is essentially political and not judicial"* (*Old Settlers v. U.S.* 148 U.S. 427) (Kappler, 1929, p. 1153).

The Supreme Court described the authority of Congress over Native relations as "plenary authority," or near absolute authority in *Lone Wolf v. U.S.* (187 U.S. 553).

> Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one and not subject to be controlled by the Judicial Department of the Government... But, as with treaties made with foreign Nations the Legislative power might pass laws in conflict with treaties made with the Indians. (*Thomas v. Gay*, 169 U.S. 264-270; *Spaulding v. Chandler*, 160 U.S. 394.)

> The power exists to abrogate the provisions of an Indian treaty, through presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and Indian themselves, that it should do so. (Also see *Conley v. Ballinger*, 216 U.S. 84; *Super v. Work*, 55 App. D.C. 149). (Kappler, 1929, p. 1153)

Congress may enter into a treaty that supersedes a prior Act of Congress; enact law to supersede a prior Act of Congress; or enact law to supersede a prior treaty (*Patterson v. Jenks*, 2 Pet. 216; Kappler, 1929, p. 1153).

Congress has plenary authority in relations with Native governments -- on behalf of the United States. This simply means that Congressional authority in relation to Native governments is superior to the authority of state and local governments since such authority was delegated by the states to Congress in the Constitution. But the plenary

authority is limited to the United States side of the relationship with Native governments. On behalf of the Native governments, Congress can exercise only that authority which Native governments themselves have delegated to it by treaty. And, of course, the ability to exercise plenary authority and abrogate treaties is available to both parties of the treaty. Plenary authority of Congress does not extend to matters involving the *internal sovereignty* of Native governments. Authority delegated by the tribes to the United States in the trust relationship through treaty can be withdrawn by the tribes. Therefore, tribal governments also enjoy plenary authority in relations with the United States -- on behalf of the tribes -- to the extent that tribal members authorize the tribal governments to act on their behalf.

After the so-called "termination" of tribes by acts of Congress in the 1950s and early 1960s, some states attempted to exercise control over the Native lands of the terminated tribe. The state of Wisconsin argued that the treaty rights of the Menominee did not survive the Congressional termination of federal trust relationship with the Menominee Tribe. In the case of *Menominee Tribe v. United States*, 391 U.S. 404 (1968) the Supreme Court held that the 1953 Act only terminated the tribe's hunting and fishing treaty rights. The tribe and the treaty rights survived the termination Act of Congress. Through termination of the trust relationship, Congress could politically decide not to be a trustee, but Congress could not revoke fishing and hunting rights retained by the tribe nor affect the status of the tribe as a sovereign nation.

In *Kimball v. Callahan*, 590 F2d 768 (9th Cir. 1979), the 9th Circuit Court of Appeals determined that Klamath Indians who were not enrolled or had withdrawn from the tribe as a result of the 1961 Klamath Termination Act nevertheless retained their treaty rights to hunt and fish within the regulation based upon a treaty signed October 14,1864 between their tribe and the United States (16 Stat. 707). The termination Act did not abrogate tribal treaty rights for hunting, fishing, and trapping, nor did it affect the sovereign authority of the tribe to regulate the exercise of those rights. The Supreme Court refused to review this opinion thereby making the decision of the 9th Circuit final (Cert. denied No. 78, 1538 48 U.S.L.W 3205). Congress cannot dissolve tribes, adversely affect the inherent rights and sovereignty of tribes, or overpower tribal rights to Native lands, property, and unrestricted enjoyment of economic and tribal activities reserved by tribes in treaties with the United States. The notorious termination acts could only withhold from the tribes the services and obligations promised on the part of the United States in the treaties that established the trust relationship. Congress can break treaties but not tribes.

The Historical Role of Churches in Native Education

Since the missionaries of numerous protestant and Catholic sects took upon themselves the responsibility of bringing civilization and Christianity to Native people,

the government did not play an active role in Native education until the 1870s. Following the pattern established in the 18th century and the early 1800s, the churches established schools and in many cases built school houses and dormitories. Grants were made by the government directly to missionaries on behalf of individual tribes and schools.

There was no clear distinction between the separation of Church and State with respect to Native education in the early days. In fact, the government negotiated with the various sects and divided the country into jurisdictions. Generally, the division was made along these lines: the Baptists and Methodists were assigned the South and Southern Plains, and the Presbyterians were assigned the Southwest where the Catholic Church had already made an impact during the Spanish invasions of Mexico and the Southwest.

Responding to the large outlay of funds and effort on the parts of the various Christian denominations, the Secretary of the Interior in his Report of 1865 recommended the following:

> That Congress provide a civilization and educational fund, to be disbursed in such a mode as to secure the cooperation and assistance of benevolent organizations... It is believed that all the Christian Churches would gladly occupy this missionary field, supplying a large percent of the means necessary for their instruction, and thus bring into contact with the Indian tribes a class of men and women whose lives conform to a higher standard of morals than that which is recognized as obligatory by too many of the present employees of the government. (Report of the Indian Commissioner, 1865, p. iv)

It was not long, however, before it became clear that Christianization would not necessarily lead to the assimilation of Natives into the lifestyle of the mainstream society. As more and more Europeans immigrated to this new land, the need for new lands to settle on increased. The Americans became impatient. They wanted instantaneous conversions of Indians to an agrarian "civilized" life.

Federal Control of Native Education

So it was that during the last three decades of the 19th century, the federal government played a much more active role in Native education. This activity began in 1869 with a recommendation from the Board of Indian Commissioners that schools be established and "teachers be employed by the government to introduce the English language in every tribe." To accommodate the activities arising from the increase in concern and the expansion of Native education programs, the Act of July 15, 1870, provided for the appropriation of $100,000 to support "industrial and other schools among the Indian tribes not otherwise provided for" (16 Stat. 359).

The federal Indian school system grew rapidly. In 1877, the Indian Commissioner proposed "the establishment of the common school system (including industrial schools) among the Indians, with provision for their compulsory education in such schools" (Report of the Indian Commissioner, 1877, p. 1). This emphasis on compulsory attendance would mean that much more money would have to be appropriated to meet needs or that the existing schools would soon become extremely overcrowded. Overcrowding was the solution that the government chose. In the same year, the Indian department was established at Hampton Institute, Hampton, Virginia. In 1878, the training facility for Indians at Carlisle, Pennsylvania, was founded. After the beginning of World War I, the Carlisle school was moved to Lawrence, Kansas, where it became Haskell Institute in 1917. Haskell Institute maintained a military discipline and a climate of deculturation of Native youth to non-Native life (Lynch & Charleston, 1990, p. 2). Today, Haskell is operated by the Bureau of Indian Affairs as Haskell Indian Junior College.

The government was slowly but surely reducing its support of the missionary schools. While not discouraging their existence or expansion, government officials set out to chart a different course for Native education through the federal school system. The position of Superintendent for Indian Education was established by an Act of Congress, May 17, 1882. And, within five years, a full-fledged department of education was developed. According to the Regulations of the Indian Department, the general educational policy was to teach Native students reading and writing in the English language, fundamental arithmetic, geography and United States history, and to instruct them in farming, livestock, and domestic chores.

By 1885, there were 7,433 Indian youngsters being educated in 177 government boarding, day, and training schools. The personnel in the schools consisted of 7 superintendents, 1 superintendent-general instructor, 111 teachers, 26 teaching assistants, 25 teacher-principals, 22 teacher-superintendent-principals, and 5 Native teachers.

The federal schools soon became very overcrowded and lacked instructional materials and books. The lack of materials and supplies was not made up until the middle of the 20th century. Most of the existing buildings were poorly constructed and designed and did not accommodate the large increase in school populations.

The passage of the Act of July 31, 1882, was meant to ameliorate the overcrowded and inadequate building conditions (22 Stat. 1811). This Act authorized the Secretary of War to set aside unused military installations, forts, and stockades for the purpose of Native education and to detail one or two Army officers for duty in connection with Native education. With the setting up of the fortress-like schools the attitude of the government toward Native education became sterner. These were the

times of the Indian wars of the late 1800s -- and some very successful victories for the Indians.

Towards the last half of the 1880s, the general public began to question the large expenditure and low results of the Office of Indian Affairs' education programs. For the first time, part of the blame was placed on the teachers and administrators of the Indian schools, many of whom were political appointments. In 1888, Commissioner John H. Oberly, who had formerly been Commissioner of the Civil Service Commission, made a major policy change in the hiring practices of teachers for the Indian service. Having come fresh from the Civil Service Commission, Commissioner Oberly was anxious to bring some of his experience with him to the Indian Office. He hypothesized that if teachers were civil servants, they would not have other loyalties and therefore, would be more effective teachers.

Commissioner Oberly's good intentions were not as successful as he had hoped for two reasons. First, the appropriations were never increased significantly to attract higher caliber teachers and administrators. Second, many of the existing teachers took the civil service test and passed. Moreover, no one questioned whether scoring highly on the standard civil service test meant that a person was a good teacher of Native children. Frequently, the result of the new policy was that the teachers had no loyalties at all.

Another major policy which was discussed during the period when the federal school system was being fully developed was the eventual turnover to the States of the responsibility for all of Native education. **It was thought that true assimilation would be achieved when Native children could learn as well in public schools as white children. It would also be cheaper for the government if it were not required to maintain the federal school system for Indians** (Kickingbird, K. & L., September, 1979, p. 19).

Congress Ends Treaty-Making

In 1871, many tribes were engaged in active war with the United States over land, natural resources, and the right of tribal independence and self-government. It was five years before "Custer's Last Stand" and 19 years before the massacre at Wounded Knee. Under the Constitution, treaties are ratified by the Senate. The House of Representatives rebelled their exclusion from the ratification process for important treaties with the tribes by refusing to pass appropriations bills. With a rider to an appropriations bill, the Act of March 3, 1871 (16 Stat. 566, 25 U.S.C. § 71 (1976), ended treaty-making with Native nations. The Act is important today because its intent was to legalize assimilation of tribal people and allow the annexation of their lands. The Act specifies that:

> No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one, shall be hereby invalidated or impaired. (Act of March 3, 1871)

Indeed the issues involved between the tribes and the United States were similar to the ones between Kuwait and Iraq; but, there was no United Nations to protect the tribes in 1871. During the debate on the bill, Senator Eugene Casserly of California said:

> *...[Tribes] hold great bodies of rich lands, which have aroused the cupidity of powerful corporations and of powerful individuals....I greatly fear that the adoption of this provision to discontinue treaty-making is the beginning of the end in respect to Indian Lands. It is the first step in a great scheme of spoliation, in which the Indians will be plundered, corporations and individuals enriched, and the American name dishonored in history.*

The result of the Act was a shift from treaty-making to that of Congress making "Agreements" with the Native governments which were ratified by both the Senate and the House. The Supreme Court held that these agreements were equivalent to the earlier ones known formally as treaties. The Act had little practical effect on Native-United States relations. But, in the mind of American citizens, it clouded the status of Native nations by asserting that Congress would no longer acknowledge or recognize Native governments as independent nations. The effect of this Act still clouds the understanding of the relationship between Native nations and the United States. It should be repealed.

Tribal Self-Determination, Self-Governance and Self-Sufficiency

The very process of treaty-making confirmed that Native people had governments by which to govern themselves. The young United States viewed these governments as so effective that Congress went so far as to offer Native governments representation in Congress: Article VI, Delaware Treaty of 1778; Article XII, Cherokee Treaty of Hopewell, 1785; Article XXII, Choctaw Treaty of Dancing Rabbit Creek, 1830.

Farmers, ranchers, railroads, and politicians coveting Native land and natural resources found it easy to portray Native peoples and their governments as ignorant, inferior, and ineffective. The federal policies of the latter half of the 19th century found little recognition of the right of Native self-governance. Through the federal Indian schools, the assimilation policies, and the General Allotment Act, the United States government set out to suppress or dismantle the tribal governments (Cong. Rec. 59th Cong., 1st Sess., pp. 3122, 5041).

In its efforts to terminate the Five Civilized Tribes, the U.S. government found itself negotiating agreements with these tribes about their future, thus, recognizing their right to self-government. In 1906, as legislation was about to terminate the Five Civilized Tribes, Congress became aware of what it was doing and passed legislation to continue to recognize the governments of the Five Civilized Tribes (*Harjo* case, p. 1129).

The Bureau of Indian Affairs proceeded to operate as though the governments had been terminated and controlled all aspects of the lives, property, schools, and government of these tribes. Seventy years later a federal judge characterized the Bureau of Indian Affairs conduct, which was without any statutory authorization, as "bureaucratic imperialism." In this 1976 decision, the federal courts stopped the interference of the Bureau of Indian Affairs in the control of the Creek government in part because of an 1867 treaty between the Creeks and the United States which guaranteed them self-government (*Harjo* case, p. 1130).

A 1907 Supreme Court case, *Quick Bear v. Leupp*, 210 U.S. 50 (1907), acknowledged the rights of Native parents and tribes to choose between religious and secular schools. Chief Justice Fuller proclaimed the right of an Indian nation to use its treaty funds for schools of its choosing. The exercise of educational choice by tribes would require parents and Native nations to participate in making policy which provides a range of options. It required informed professionals who could elaborate the choices and provide rationale for them. The opportunity for Native nations to exercise choice lay dormant for over 60 years until federal control of Native education was relaxed by self-determination legislation (Lynch & Charleston, 1990, p. 3).

Jurisdictional Conflicts between State and Tribal Governments

When the federal government was delegated the authority to control relationships with the Native governments under the Commerce Clause of the U.S. Constitution there was no role for the states. The special political relationship between the United States government and Native governments established by treaties has been emphasized and de-emphasized over two hundred years of policy-making. At one time, Indian affairs was as important to the United States as foreign affairs because a sound political relationship with the Native governments was the vital link to the continued existence of the United States government. That vital political link received less emphasis once the independence of the United States was achieved after the War of 1812 (Morison, 1965, p. 333).

By 1830, the concern of the states and their citizens was that tribal governments possessed choice farm lands and resources within what the states contended was their boundaries or within the boundaries of lands the state wished to acquire. The consequence was an ongoing political rivalry between the states and the Native governments that continues down to the present day (*Oklahoma Tax Commission v.*

Citizen Band Potawatomie Indian Tribe of Oklahoma, No. 89-1322 [February 26, 1991] 59 LW 4137).

One of the byproducts of that rivalry was adverse social conditions for the tribes as they were pushed out of original homelands or as they were pressed to reduce the size of their land holdings. The constant assault on the power of Native governments and their land holdings which culminated in the General Allotment Act of 1887 prevented the tribes from establishing or maintaining a sound economic base (AIPRC Final Report, 1977, pp. 64-69).

The tribes' constant fight for survival through the nineteenth century and through much of the twentieth century diminished the economic resources the Native governments might have devoted to social programs including education. In those instances when tribes were able to maintain educational systems which they operated and controlled, they achieved admirable results. The Cherokee achieved 90 percent literacy through tribal schools, the Cherokee syllabary, and Cherokee operated printing press (*National Tragedy*, 1969, p. 19).

Throughout these times of trial, one factor remained in place which dominated the early relationships with the United States government and proved to be a dominant factor as the twentieth century closed. This factor was the government-to-government relationship between the United States government and Native governments and the legal foundation on which it rests (U.S. Senate Special Committee on Investigations of the Select Committee on Indian Affairs, *A New Federalism for American Indians*, S. Rept. 101-216, 101st Cong., 1st Sess., Nov. 20, 1989, pp. 16-17).

The classic example of conflict between state and tribal governments is manifested in the 1830 Cherokee cases and the ruling that the states had no jurisdiction in Indian Country. The rule from *Worcester v. Georgia* (1832) that states had no jurisdiction in Indian Country remained in effect for the first hundred years.

Periodically the Supreme Court would remind the nation of the volatile relationship between the states and the Indian nations with remarks such as those found in *United States v. Kagama* 118 U.S. 375 (1886), "Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies." As the 20th century opened, the states began to take a role in Indian affairs as the result of policies by the BIA to push Native children into public schools (Washburn, 1973, Vol. II, p. 868) and through special legislative grants of authority. The primary areas where states were granted a role was in education. Statutory authority was provided by Congress to enforce state school attendance laws, 25 U.S.C. § 231, and later other legislative authority was provided to induce state schools to accept Native students into the state school systems by providing special funding through the Johnson O'Malley (JOM) Act of 1934 25

U.S.C. § 452 et seq. (1934) and Public Laws 81-815 and 81-874, Impact Aid for Federally-Connected Children, 25 U.S.C. § 236 et seq. States were willing to accept the funding provided but resorted to all manner of excuses to avoid providing the services. Between 1970 and 1972, one federal audit of JOM funds found 80 percent of the questioned costs arising out of ineligible student participation (Office of Survey and Review, Interior Dept., 1973, p. 5).

Education was just one area in which Native governments and state governments found themselves in conflict. Arguments about jurisdiction, land ownership, taxation, voting rights, water rights, and economic development all contributed to a climate of conflict between the governments. In recent decades, attempts to find common ground have been promoted through the idea of "tribal-state compacts," for example, the proposed Tribal State Compact Act of 1978 and the Indian Gaming Regulatory Act, 25 U.S.C. § 2710 (d).

The relationship of tribal members and the federal government arise in the political context of the government-to-government relationship. It is the Native governments with whom the United States has a trust relationship and citizens of the Native governments derive rights which flow through the Native governments. Native education legislation in the last three decades targeting services to Native students usually provides for participation of Native parents and Native community representatives as a surrogate for participation of tribal governments in Native education, 25 U.S.C. §§ 2604 (b)(2)(B).

Even this Native parent representation has not been received cordially by the states or by the Bureau of Indian Affairs. But, through these measures, the federal government has provided a means to support Native parent participation and, hopefully, the means to overcome the failures of past Native education policy.

Issues of civil and criminal jurisdiction have remained sources of conflict between the states and Indian nations down to the present day. In the civil area, taxing authority has been a prominent topic of conflict through three decades, *Warren Trading Post (1965)*, *McClanahan* (1973), *Bryan v. Itasca County* (1976), and *Cotton Petroleum Corp. v. New Mexico*, 490 U.S., 109 S.Ct. 1698 (1989). The cigarette tax cases have been particularly aggravating for tribes as seen in *Moe* (1976), *Colville* (1980), *Chemuevi* (1985), and *Oklahoma Tax Commission v. Citizens Band of Potawatomie* (1991). The limitations on tribal regulatory authority in *U.S. v. Montana* (1981) and *Brendale v. Confederated Tribes and Bands of the Yakima Indian Nation* (1989) were disappointing to tribal governments. The limitation on tribal government criminal misdemeanor authority in *Oliphant v. Suquamish Indian Tribe*, 98 S.Ct. 1079 (1978) and *Duro v. Reina* (1990) have been distressing for tribes even though Congress limited the impact of *Duro*

with legislative action and apparently intends to make the suspension of *Duro* permanent (137, Cong. Rec, April 9, 1991, p. 5 S136).

All of the relationships between tribes and the states have been affected by the long history of conflict and prejudice. Those conflicts have transpired between the states and the Native governments in both the criminal and civil arena of jurisdiction. Although the focus of the conflict is most prominently seen in the civil arena in the taxation and regulatory disputes, education can be affected by the taxation of materials used in the construction of a school run by a Native community in Indian Country, see *Ramah Navajo School Board, Inc. v. Bureau of Revenue*, 458 U.S. 832 (1982). Consequently, the adversarial attitudes will color almost all relationships between the state governments and Native governments.

Education Policies in the Twentieth Century

The first thirty years of the twentieth century saw the passage of such landmark legislation as the Snyder Act in 1921, 25 U.S.C. § 13, That directed the Bureau of Indian Affairs to provide services to Natives throughout the United States without regard to specific treaty provisions, and the Indian Citizenship Act in 1924, 43 Stat. 253.

During this time, there was not much change in the effectiveness of the school systems serving Natives. In some areas, the federal school system tried to improve quality of new teachers and administrators. The qualifications criteria were raised for all school personnel, including the dormitory advisors, to include a four-year college education in addition to practical experience. The success of civil service criteria for Indian service personnel, however, became debatable. It was difficult to fire ineffective and insensitive teachers. Frequently, teachers who could not get jobs in state school systems found refuge in the Indian Service, and many had little experience in dealing with children of another culture.

In the beginning of the 1920s, there was a tremendous increase in the Native public school population. Appropriations were made by Congress to provide subsidies for the public schools which enrolled Native children, but the money was quickly expended each year, and many children were forced to attend local federal day and boarding schools. Perhaps one of the most encouraging realizations coming from this period in the history of Native education was that the attempts to educate Native youngsters met with more success when they went to schools (public or federal) near their home communities (Kickingbird, K. & L., September, 1979, p. 19).

Another enlightened concession soon came with the candid admission by Commissioner Charles H. Burke in his 1928 Report: *"Experience has demonstrated that it is futile to try to make all Indians farmers and stock raisers. Many will not interest*

themselves in those occupations." He went on to say, *"It seems clear that the traditional school system of the whites is not immediately applicable in its entirety to the needs of Indian children"* (Report of the Commissioner of Indian Affairs, 1928, pp. 5, 7). Strangely enough, the Indian military schools, those that were established at abandoned forts, were more successful than the regular schools ostensibly fashioned after the white educational systems. The reason for their success was their emphasis on individual responsibility. In these schools, Native students were given a rank and responsibility so that the absolute authoritarian figure of the teacher was minimized. The feeling of responsibility gained by their commissions and rank helped to build a positive self-image. When the need for discipline arose, the accused came before a court martial and was judged by a jury of peers, rather than a white overlord masquerading as a teacher who possessed neither knowledge nor mercy. Since warriors were given a place of prominence in many Native societies, training to be military leaders was an endeavor that seemed a worthy educational pursuit.

One of the most comprehensive reports on the status of Indian services was completed in 1928 by the Institute for Government Research (now the Brookings Institution). The report entitled, *The Problem of Indian Administration*, and popularly known as the Meriam Report, pointed up the inadequacies of the present education system and make many suggestions for improvement. The following are findings of the staff of the study in regard to Indian boarding schools:

- The provisions for the care of the Indian children were grossly inadequate.
- The diet is deficient in quality, quantity and variety, and the great protective foods are lacking.
- The boarding schools are overcrowded materially beyond their capacities.
- The medical services for the children are below standard (true also for day schools).
- The boarding schools are supported in part by the labor of students.
- The Indian service personnel are poorly trained and inexperienced in educational work with families and communities.

The Meriam Report called on teachers and administrators of Native school children to change their point of view from that of trying to fit the Native student into the white educational mold to that of recognizing the individual needs of the student and

adapting the curriculum to suit these needs. To achieve this, the following recommendations were made:

1. The Indian service should set up a unique set of educational goals, unlike those from the public schools.

2. The main education objective (of the course of study) during elementary school should be changed from learning English to giving Indian children a reason and desire to learn.

3. To enhance the education of their children a general adult education program should be established comprised of adults and children within the community.

The Commissioners of the next decade gallantly tried to implement the above recommendations, but the Second World War interrupted their progress.

Education in the New Deal Era

The rapid increase in the federal Indian bureaucracy through the expansion of its school system resulted in a substantial shift of power from the tribes to the career employees of the Department of the Interior. The bureaucrats' decisions and values prevailed against the tribal powers of self-government and decision making responsibilities of the Indian communities. Congress made an effort to restore some balance to the power equation in passing the Indian Reorganization Act (IRA) of 1934. Indian tribes organized under the provisions of the IRA were recognized as having the powers of self-government. At the same time, Congress provided a means to shift responsibility for Native education to the states through the Johnson O'Malley Act (JOM) of 1934.

Indian Reorganization Act of 1934

Most tribal governments operating today were influenced and shaped by the Indian Reorganization Act (IRA) of June 18, 1934, (48 Stat. 984) (25 U.S.C. § 476). This Act, which is also known as the Wheeler-Howard Act, did not "give" a government to the tribe. They had been governing themselves for thousands of years. Rather, it reaffirmed that tribal governments had inherent powers which were officially recognized by the United States Government (Powers of Indian Tribes, 55 I.D. 14, 65 [1934]).

The IRA was enacted by Congress to correct the many destructive Indian laws enacted previously, and to provide for the "formalization" of tribal government through a written constitution and charter. The objectives of the legislation were summed up in

the committee report, Senate Report No. 1080, 73d Cong., 2d session, presented by Senator Wheeler, one of the co-sponsors of the measure:

1. To stop the alienation, through action by the government or the Indian, of such lands, belonging to ward Indians, as are needed for the present and future support of these Indians.

2. To provide for the acquisition, through purchase, of land for the Indians, now landless, who are anxious and fitted to make a living on such land.

3. To stabilize the tribal organization of Indian tribes by vesting such tribal organizations with real, though limited, authority, and by prescribing conditions which must be met by such tribal organizations.

4. To permit Indian Tribes to equip themselves with the devices of modern business organization, through forming themselves into business corporations.

The inherent powers of the tribe were supplemented with those conferred by Section 16 of the Indian Reorganization Act. It specifically states that these powers listed below are "[i]n addition to all powers vested in any Indian tribe or tribal Council by existing law ..." The power:

- To employ legal counsel, the choice of counsel and the fixing of fees...;
- to prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets without the consent of the tribe;
- to negotiate with the federal, State and Local government.

Section 16 also spells out certain obligations on the part of the Secretary of the Interior:

> The Secretary of the Interior shall advise such tribe or its tribal Council of all appropriation estimates or federal Projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

There are two other aspects of the Indian Reorganization Act that tribes thought important. The IRA contained provisions for loans for Native students to pursue their education at vocational and trade schools and in high school and college. The provisions for these loans appeared in the original legislative proposals and remained in the final statute.

During regional hearings to explain the proposed legislation which would become the Indian Reorganization Act, the Native government representatives were interested in

the educational provisions. A representative of White Mountain Apache noted the importance of a university education when he asked, *"Would that give these Indians the right to go to law schools and still hold their Indian rights, the right to take up tribal matters?"* (Report of Southern Arizona Indian Conference, 1934, p. 15).

The Indian Reorganization Act contained provisions for Native preference in employment and, like the many other treaty and statutory provisions for Native employment preference, it was ignored by federal officials until the U.S. Supreme Court ruled in favor of the concept in *Morton v. Mancari*, 417 U.S. 535 (1974). Such employment preference and the role model Native teachers and administrators could have provided would have been a dynamic force in Native education.

The passage of the IRA and the leadership of John Collier as Indian Affairs Commissioner (1933-1945) affected Native education. Under the leadership of John Collier such innovative programs as bilingual education, adult basic education, higher education, student loans, and in-service teacher training for Native teachers in the federal school system in Native culture and life were begun. The number of boarding schools was reduced by 16, and 84 new day schools were added. The day school (both federal and public) population increased substantially.

The IRA provided Native people and tribes with an orientation to the type of political system and government structure of mainstream America. The new structure was considered carefully by most tribes; it was rejected by more traditional Native groups (Lynch & Charleston, 1990, p. 5).

Johnson O'Malley Act of 1934

For most of the first seventy years of the twentieth century views about the conduct of Native education did not deviate from the views that had prevailed for the previous five hundred years. The central government -- Spain, Britain, the United States -- controlled the conduct and set the standards of Native education. Reports from various studies after the turn of the century recommended a move away from the federal boarding school model. Such recommendations resulted in the passage of the Johnson O'Malley Act, 25 U.S.C. § 452 et seq. (1934), which was designed to provide financial inducement to the states to take Native students into the public school system.

It was a departure from past procedures in the realm of jurisdiction. The general rule from the Cherokee cases *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831) and *Worcester v. Georgia*, 31 U.S. 515 (1832), in the 1830s was and is that the states have no jurisdiction and no role or responsibilities on Indian reservations or in Indian affairs including Native education. Because the states had no jurisdiction in Indian Country, they could not tax property in Indian Country for the purposes of generating revenues to

pay for services such as education that they might provide to Native people, see *Ramah Navajo School Board, Inc. v. Bureau of Revenue*, 458 U.S. 832 (1982). The Johnson O'Malley Act authorized the Secretary of the Interior to enter into contracts with states and territories (amended in 1936 to include "colleges, universities, and educational agencies") for the "education, medical attention, relief of distress, and social welfare of Indians and for other purposes." This Act enabled the government to reimburse state and local school districts for the education of Indian children. In other words, the Act succeeded in fulfilling the government's policy goal of turning over the responsibility for Native education to the states by providing funds as an inducement (Kickingbird, K. & L., September, 1979, p. 20).

The Johnson O'Malley Act provided contract authority and financial inducement for state school systems to assimilate Native children into the mainstream public schools. It merely shifted the locus of control from federal administrators to state administrators. It marked no change in the basic presumption that non-Natives should control the course of Native education. The Federally Impacted Areas Act in the 1950s and Title I of the Elementary and Secondary Education Act of the 1960s maintain the same standards of non-Native control of Native education through the present day.

It was clear that the federal government would continue to play a primary role in the funding of Native education because of the federal-Indian trust relationship, the statutes passed by Congress to carry out that relationship, and the federal funding required to execute the trust responsibilities in Native education. Native communities were concerned with the degree of control that the federal government would have in the educational arena to maintain their trust responsibilities (AIPRC Education Report, 1976, pp. 167-170).

The states were concerned about Native educational issues for their own reasons. The states first concern was about the loss of control over the federal dollars coming to them if there was a greater role in education for Native parents and Native communities. The states feared Native control of funding would lead to a greater political power for Native people and tribal governments.

The Termination Era Historical Background of Termination

Beginning in 1928 with the publication of the Meriam Report, Institute for Government Research, *The Problem of Indian Administration*, and extending through the 1930s, federal policy and legislation (25 U.S.C. § 461 et seq.), strongly affirmed tribal sovereignty, and supported mechanisms which would assist tribes in strengthening their governments and institutions and consolidating their landbases which had been severely fragmented by allotment. After decades of broken promises, moral disillusionment, the ravages of disease, and abrupt changes in lifestyle, Native governments and their people

were beginning to pick up the pieces and forge new self-determined futures. World War II put an end to the United States' spirit of commitment to Native self-determination and the reforms made during the 1930s.

While the war years marked a dormant period in Native-United States relations, the post-war years (late 1940s through the early 1960s) saw the development and implementation of a "new" policy which brought a halt to the development of tribal government for nearly two decades.

After World War II, in which many Natives fought valiantly for their country, the "era of enlightenment" ended with a crash. All the policies of the Collier administration were refuted and the idea that the only way Native children can learn was from totally non-Native oriented schools gained momentum.

Termination: An Old Policy with a New Twist

According to the 1944 House of Representatives Select Committee on Indian Affairs, "The goal of Indian Education should be to make the Indian child a better American rather than to equip him simply to be a better Indian (U.S. Senate, 1969, p. 14)." This reactionary idea developed and matured during the war years, and in the mid 1940s a new concept began to stir in Congress. It culminated in 1953 when the 83rd Congress passed House Concurrent Resolution 108 declaring U.S. policy for Indian tribes to be that of "termination." The real effect of the Concurrent Resolution was to make Native lands subject to property taxes and to eliminate the provision of services provided for in treaty agreements by the federal government, including health and educational services (Hoover Commission, *Report on Indian Affairs*, 1949). Natives had been guaranteed exemption from property taxes principally by treaty or the General Allotment Act of 1887.

Termination was presented as a method of making Natives "first-class" citizens, even though they had been made United States citizens in 1924 (Act of June 2, 1924, 43 Stat. 253). By terminating the special trust relationship and a recognition of the sovereign status of Native governments, the United States government would be promoting the "assimilation" of Natives -- socially, culturally, and economically -- into the mainstream of American society. Through termination, Natives would be "given" the same rights and responsibilities of all other citizens, thereby making them "first-class" and "fully taxpaying citizens," (The Hoover Commission, Report on Indian Affairs, 1949).

Americans have always held close to their hearts the idea that this society is a "melting pot" where peoples from all over the world have come to make their fortunes and live happily ever after with each other. One does not have to visit many ghettos of

large cities or the many rural enclaves of distinct ethnic groups which dot the land to know that the melting pot is more theory than fact. Nevertheless, the ultimate passage of House Concurrent Resolution 108 in 1953 affirming the terminationist policy towards Natives had as a basis this out-dated and uniquely American myth.

The report of the Hoover Commission, published in 1949, advocated complete integration into the mainstream society. With Native advocacy in the federal sector at a low point, this outlook quickly gained momentum. The Indian Commissioners appointed by both presidents Truman and Eisenhower were openly pro-termination. President Truman appointed Dillon Myer as Commissioner of Indian Affairs in 1950. He was the former director of the resettlement camps for the Japanese during World War II. Myer ended the progressive era of Collier and replaced it with a program that provided a low level of general academic preparation and relocation of Native people from Native communities and reservations to the urban labor pool under the BIA Relocation Program. President Eisenhower appointed Glen Emmons as Commissioner of Indian Affairs to continue the termination and relocation work of Commissioner Myer (Lynch & Charleston, 1990, p. 5).

Certainly, some legislators sincerely believed that integration was both equitable and a desirable solution for the endemic problems encountered by the rural and isolated nature of Indian reservations. This concern, combined with the political realities of a newly elected and popular Republican president, Republican and conservative majorities in both Houses of Congress, and nationalistic post-war "Americanism" led to an easy passage of House Concurrent Resolution 108, 83rd Cong., 1st Sess. (1953).

Although a statement of policy only, HCR 108 was quickly followed by perhaps the most widely known and widely denounced federal Indian legislation in recent memory, the notorious Public Law 83-280 (Act of Aug. 15, 1953, 67 Stat. 388) that ushered in the "termination" phase of federal Indian affairs. Public Law 83-280, and subsequently many other pieces of legislation, terminated the special relationship between specifically named Indian tribes and the United States. It gave Wisconsin, Oregon, California, Minnesota, and Nebraska criminal and civil jurisdiction in Indian country and provided a mechanism whereby states could assume permanent jurisdiction over Native governments.

The statute also authorized other states to assume civil and criminal jurisdiction over Indian territory by making appropriate changes in their state constitutions or laws. In 1968, the law was amended to require the consent of Native governments before states could assume jurisdiction (25 U.S.C. § 1301 et seq.).

The termination era policies were in direct conflict with the existing body of Federal Indian Law that had been consolidated in 1942 by Felix S. Cohen in the

Handbook of Federal Indian Law, a highly regarded legal reference. So, the BIA simply revised Cohen's book to delete or revise the objectionable sections and include new opinions to support their policies; They issued a new edition of Cohen's book without mentioning the changes. The original version was republished in 1972 (Cohen, *Handbook of Federal Indian Law*, 1972, University of New Mexico Reprint of 1942 edition).

The effect on Indian Country can only be described as extreme psychic trauma and paralysis. The Menominees and the Klamath, two of the most economically advanced tribes, were among those selected for termination. The reward for their success was the penalty of destruction.

Over 70 Indian tribes and rancherias fell victim to the termination policy (AIPRC Final Report, 1977, p. 451). Again, there was short-sightedness on the parts of the federal government and states. Neither took into consideration the effect that the cessation of federal dollars to Natives would have on states nor the debilitating social burden which would become the states' responsibility.

The termination legislation that passed during this time grew out of the decentralization policy of the federal government and the shift of responsibility to the states. In much the same way as the Johnson-O'Malley program came to be used, Public Laws 81-815 and 81-874, "Impact Aid for Federally-Connected Children," provided funds to public school districts to encourage enrollment of Native children who lived on or near a reservation (Kickingbird, K. & L., September, 1979, p.21).

In 1951, Congress passed the Federally Impacted Aid Areas Act, 20 U.S.C. § 236 et seq., designed to assist school districts in which federal ownership of property reduced the tax base. Administration of the programs required the state school officials to choose either JOM or Impact Aid. In 1958, the Impact Aid law was amended to allow the state school systems to collect both with Impact Aid directed toward basic support of the schools and JOM directed toward special educational needs of the Indian students.

The parents of Native children would have the opportunity to influence the operation of schools serving their children on the reservation as tribal citizens electing their tribal officials. Outside of Indian Country, the parents of Native children would have little influence about the educational programs serving their children because the non-Native population would be so large that Native parents would not even exist as a serious swing vote in school board elections.

Congress was able to appreciate the problem of Native parents' lack of political influence, the effects of the long history of conflict, and the desire of Native parents to participate in the processes affecting their children's education. Congress' response was

to amend the Federally Impacted Areas Act to require the involvement of Native parents and tribes in planning, development, and operation of programs funded in the Education Amendments Act of 1978. In practice, these requirements have been largely ignored. The bureaucratic procedure for filing a grievance against a public school district with the Department of Education is so complex that as of 1990, the Office of Impact Aid has acknowledged that no "acceptable formal grievances" had been filed. However, the Office of Impact Aid acknowledged that grievances which did not comply fully with the formal process were not considered.

Today, many tribes have had their "federally recognized" status reinstated through Congressional legislation, see for example, 25 U.S.C. § 566 (Klamath), § 713 (Grand Ronde), § 731 (Alabama-Coushatta), and § 1300g (Ysleta del Sur). The termination era ended for all practical purposes in the 1960s (Tyler, 1973, pp. 172-183, 197-201) and was formally put to rest by Congressional action as part of the 1988 Indian Education Amendments (P.L. 100-297; Cong. Rec, 1988, p. S17392).

Post-Termination Policies

One of the most significant pieces of legislation to pass during the 1960s was the Economic Opportunity Act of 1965. For the first time in many years, Indians were given the opportunity to plan, develop, and implement their own programs outside of the framework of the BIA and the states. Out of these programs grew such projects as Head Start for the pre-school children, Upward Bound and Job Corps for teenagers, and the opportunity to train tribal people for management and administrative positions. Although the concept of community control of education had been suggested intermittently for over a century, the mechanism and the funds to develop such programs were finally provided in this Act. Increased community participation in the programs gave Native people a reason for learning, and this fostered the development of community-controlled schools.

Presidents Kennedy and Johnson were in favor of bringing educational and other support to the Native community programs under this Act. Neither of them recognized, however, that without a significant reorganization of the bureaucracy which had succeeded in paralyzing Native achievements for over a century, could the educational goals that many of the tribes had set for themselves be accomplished. The monies received from OEO were enough to begin the development of worthwhile projects, but funds from other sources, such as BIA or the Department of Health, Education and Welfare (HEW), were needed to expand and continue initial efforts.

Also in 1965, Congress passed the Elementary and Secondary Education Act (ESEA), which provided supplementary funds for innovative educational programs for disadvantaged youngsters including Natives. Some of the monies under Title I went to school systems where Native children were enrolled, others went directly to the BIA for use in the federal school system. Despite the tremendous potential of the program, the

inefficiency of the BIA delivery systems and lack of monitoring on the parts of both the BIA and U.S. Office of Education, led to a misuse of monies, which is detailed in the NAACP Legal Defense Fund's publication, *An Even Chance*.

In 1974, Congress amended Title I to require local school districts to establish a Parent Advisory Committee (PAC) for each school receiving funding, 20 U.S.C. § 2734(j). The purpose of the PAC was to assist with planning, implementation, and evaluation of the Title I program in each school. While the advisory role of the PACs does not allow them veto power over programs established by the school, they do provide the vehicle to formulate priorities for those programs which serve Native children.

Despite the inadequacy of the legislation, the lack of a clear-cut national policy, and the inefficiency of the BIA organization, the late 1960s did see educational programs flourish. The Demonstration School at Rough Rock, Arizona, was begun in 1966 by a group of concerned teachers, administrators, and parents. The Native community chose to run their school and elect an all-Native school board. Program development involved the adults in the community in designing the curriculum. Instruction was in both Navajo and English. The tribe supported the efforts of this community and eventually, so did the BIA.

In October of 1969, the BIA rejected the idea that Native administrators were needed and would not fund proposed graduate programs to develop Native leadership in education. The official in charge of professional training maintained that all administrative positions were filled already, albeit mainly with non-Natives, and no new ones were needed. But, the OEO Indian office director was interested in helping to develop Native leadership. With funding from OEO, graduate fellowship programs were developed at four universities: The Pennsylvania State University (Penn State), Harvard University, Arizona State University, and The University of Minnesota. These programs were strongly opposed by some of the BIA area office officials, especially the BIA area offices in Juneau, Alaska, and Window Rock on the Navajo Reservation. Other BIA offices, including the Anadarko Area Office in Oklahoma, cooperated by nominating Native BIA employees to attend the leadership programs. Seventeen Native graduate students, all BIA employees in about GS-5 level positions, were enrolled in the first wave in the Penn State program. The programs graduated well educated Natives with doctorates who were prepared to compete successfully against non-Native professionals for top positions in Native education programs operated by federal, state, and tribal agencies. The graduates of these four original graduate programs and Native graduate programs in other institutions that developed in the early 1970s provided the Native leadership needed to cause a change in the status quo of the Native education policy and implement Native control of Native education (Lynch & Charleston, 1990, pp. 7-8).

The confirmation of greater authority in a variety of areas, including Native education, were the goals of Native governments. These goals were being confirmed by federal legislation during the 1970s and 1980s which was directed at the elementary, secondary, and vocational schools and community colleges serving Native communities.

Self-Determination Era

In 1969, a comprehensive report by the special Senate Subcommittee on Indian Education, popularly known as the "Kennedy Report," proclaimed the state of Native education to be a "national tragedy" (U.S. Senate, Special Subcommittee on Indian Education, *Indian Education: A National Tragedy -- A National Challenge*, S. Report No. 91-501, Committee on Labor and Public Welfare). The self-determination era was ushered in with the 1970 Message of the President of the United States Transmitting Recommendations for Indian Policy.

In that statement Richard Nixon called for:

1. Self-determination.
2. Repeal of HCR 108 setting termination as policy.
3. Tribal control and operation of federal programs.
4. Restoration of sacred lands of Taos Pueblo at Blue Lake.
5. Economic Development through Indian Financing Act.
6. Increase in financial support for Indian Health Service.
7. Assistance for Urban Indians.
8. Establishment of Indian Trust Counsel Authority.
9. Establishment of an Assistant Secretary for Indian Affairs.

Congress responded with the Indian Education Act in 1972 before it responded with the broader Indian Self-Determination and Education Assistance Act of 1975. The promotion and passage of this legislation fueled the arguments that were taking place regarding the role of federal, state, and Native governments with respect to education issues. It took 18 years before Congress was willing to formally end the infamous termination policy by repudiating HCR 108 with the passage of Public Law 100-297 of April 28, 1988 (25 USC 2001, Title V, Part B, § 5203 (f)).

The authority of tribal government was defined further in the 1970s and 1980s. These decades have not necessarily clarified the authority of Native governments, because Congress and the Supreme Court seem to be proceeding along divergent paths with respect to their views about the power and authority of tribal governments. However, the two branches of the governments both seem to be supportive of Native education.

The political authority of tribes to provide effectively for the economic and social well-being of their tribal members has been enhanced by various legislative acts since the Nixon Indian Policy Statement. Moreover, Congress acknowledged that the assimilation/termination policy was a failure and rejected the termination policy by passing the Menominee Restoration Act in 1973.

The Indian Education Act

An important piece of legislation for Indian education was signed into law in 1972. It was entitled the Indian Education Act of 1972 (Public Law 92-318) and provided monies for supplementary innovative programs for Native students. The chief administering office was the U.S. Office of Education. The monies from the Act provided to public schools cannot be used for operational expenses, except in the case of Native-controlled schools. The Act provides for local parent committees to be involved in all aspects of the administration of special Native education grant projects to public schools. In other words, the Act made possible funding of the programs that Native tribal and community members want for their children and which could never find an authorization under any other legislation. The Act was developed to address the special educational needs of Native children. To be eligible for funding, a school district must show that projects were developed with the participation and approval of a parent advisory committee composed of parents of the Native children whom the program is to serve. Congress has established a legislative framework which requires Native participation for programs that operate outside Indian Country which are designed to serve the education needs of Native children. The Act is designed to overcome past attitudes of hostility that permeate the relationships of Native governments with the surrounding state governments (U.S. Senate, 1969, pp. 52-54).

The initial appropriation under this Act was $18 million. It also established a Bureau of Indian Education within the Office of Education and a National Indian Education Advisory Council. It is important to note that the program under the Indian Education Act would not have been implemented without the untiring efforts of Native people throughout the country because this was one of the programs which was caught in the impoundment squeeze of 1973. Rescued by lawsuits litigated by Native attorneys, the Indian Education Act had the potential of building strong Native community-controlled educational programs on State and federal reservations, in rural communities and in cities across the country.

Indian Self-Determination and Education Assistance Act

The Congress took a major step to support Native governments in the mid-1970s. On January 4, 1975, the Indian Self-Determination and Education Assistance Act was enacted (Public Law 93-638). The Act provides that:

"a. The Congress, after careful review of the federal government's historical and special legal relationships with, and resulting responsibilities to, American Indian people, finds that:

1. The prolonged federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

2. The Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons."

In addition to reiterating the federal government's recognition of tribal sovereignty, the Indian Self-Determination Act was intended to strengthen tribal governments by directing the Bureau of Indian Affairs and the Indian Health Service to contract out to Native governments most of the services administered by these agencies. The Act also authorized grants to help strengthen tribal management of Native community services. Of singular importance is the Act's explicit disclaimer that the law is in no way a termination of the federal government's trust responsibility to Native governments.

Indian Preference in Employment

Another concept which finds support in treaties is the concept of Indian preference in employment. Although it can be argued that the Delaware Treaty of 1778 manifested a preference in employing the "best and most expert warriors" in the Revolution, the first clear expression of Indian preference in employment is the Act of March 5, 1792, where the United States provides for the employment of Indians in the defense of its frontiers. Indian preference in employment then appears in mid-century treaties such as the Chippewa Treaty of 1863. Indian preference could have been used to employ Natives in Bureau of Indian Affairs operated educational institutions.

Indian preference is applicable to federal Native education programs. It is applied in the Bureau of Indian Affairs and the Indian Health Service. In the Education Amendments Act of 1988 (Public Law 100-297), Indian preference was extended to the Office of Indian Education in the U.S. Department of Education, but not to any of the other Department of Education programs targeting Native students. Implementation of Indian preference, in the Office of Indian Education in the Department of Education has been very slow and with considerable opposition from the union and the bureaucracy of the Department of Education. Unfortunately, the federal Indian employment preference statutes have had a very limited impact (*Morton v. Mancari*, 417 U.S. 535 [1974]).

American Indian Policy Review Commission

The American Indian Policy Review Commission was established by Congress in 1975 to conduct a comprehensive review of the historical and legal developments underlying the Indians' relationship with the federal government, and to determine the nature and scope of necessary revisions in the foundation of policy and programs for the benefit of American Indians (Public Law 93-580, 25 U.S.C. § 174).

In its Final Report, the Commission advocated continued respect for the inherent sovereignty of Indian tribes and set forth these principles to guide the United States government:

The fundamental concepts which must guide future policy determinations are:

"a. That Indian tribes are sovereign political bodies having the power to determine their own membership and power to enact laws and enforce them within the boundaries of their reservations, and

b. That the relationship which exists between the tribes and the United States is premisedon a special trust that must govern the conduct of the stronger toward the weaker." The concept of sovereignty and the concept of trust are imperative to the continuation of the federal-Indian relationship. These form the foundation upon which the United States' entire legal relationship with the Indian tribes stands. These are not new precepts -- they are old, dating from the origins of this Nation.

Indian Child Welfare Act of 1978

The Congress continued further recognition and promotion of tribal sovereignty in the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq. This law was enacted in response to the increasing number of Native children being adopted or placed into non-Native families. The Act restricts non-Native social agencies from placing Native

children in non-Native homes, absent tribal or parental consent. It acknowledges the jurisdiction of tribal courts over child custody in related cases on the reservation and requires that full faith and credit be accorded tribal court orders in these matters. It also provides for the transfer of jurisdiction from state to tribal courts under certain conditions, such as parental or tribal request to recover off-reservation Native children. By the provisions of this Act, tribal law can reach beyond the reservation and can affect court proceedings anywhere in the United States.

Title XI of the Education Amendments Act of 1978

Public Law 95-561, Title XI of the Education Amendments Act of 1978, promoted Native self-determination by stating "...it shall be the policy of the Bureau [of Indian Affairs], in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education." The Act directed the Bureau to fund Native schools according to an "Indian school equalization formula" designed to achieve an equitable distribution of funds among the schools. The result was the ISEP formula (Indian School Equalization Program formula) that is a weighted per capita distribution of funds. The Act mandated a set of uniform education standards to be established for all BIA and contract schools. Teachers and other education personnel were placed on a direct contract basis with each school to remove BIA education personnel from the federal civil service system. The Act provided for local control of Native education through local school boards with expanded roles and authority and created local BIA agency superintendents for education reporting directly to the Office of Indian Education in the central office in Washington. This reorganization removed education from the direct authority of the local BIA agency superintendents and the area offices.

The BIA responded to Public Law 95-561 with task force studies and the creation of the mandated positions and documents. However, the intent of the Act to promote Native self-determination in education has not been implemented. Federally funded Native education remains firmly controlled by the BIA. The bureaucratic administration of the ISEP formula funding has created uncertainty, instability, and a general lack of adequate funding for federal Indian schools. Some tribes have responded to the inadequate funding and lack of local control by abandoning the federal system and developing community-controlled public schools, such as on the Rocky Boys Reservation in Montana and Zuni Reservation in New Mexico.

The Indian Tax Status Act of 1982

This law, originally passed in 1982, and amended in 1984 and 1987 was intended to place tribal governments on the same footing as state government with respect to treatment under federal tax provisions. The Committee report stated:

> Many Indian tribal governments exercise sovereign powers; often this fact has been recognized by the United States by treaty. With the power to tax, the power of eminent domain, and police powers, many Indian tribal governments have responsibilities and needs quite similar to those of State and local governments.
>
> Increasingly, Indian tribal governments have sought funds with which they could assist their people by stimulating their tribal economics and by providing governmental services.
>
> The committee has concluded that, in order to facilitate these efforts of the Indian tribal governments that exercise such sovereign powers, it is appropriate to provide these governments with a status under the Internal Revenue Code similar to what is now provided for the governments of the states of the United States. The committee understands this would be of greatest significance at this time in the area of gifts or contributions to Indian tribal governments, exemptions with respect to excise taxes, the deductibility of income taxes paid to these governments, and the ability of these governments to issue tax-exempt bonds. A number of other points have been presented as to which the committee also agrees that Indian tribal governments should be treated essentially the same as State governments. (S. Rep. No. 97-646, 97th Cong., 2d Sess. p. 2)

Pacific Salmon Treaty Act of 1985

Treaties are an issue of prime concern to American Indian tribal governments. United States treaties with American Indian tribes presently protect rights of many tribes. In 1985, the U.S. Congress passed the Pacific Salmon Treaty Act of 1985 (United States-Canada), Public Law 99-5, Act of March 15, 1985, 99 Stat. 7, which provided that one of the four United States treaty commissioners should be nominated by the treaty Indian tribes of the states of Idaho, Oregon, and Washington. Similar nominations were to be made by the tribes for two of six commissioners serving on the Southern Panel and one of four commissioners on the Fraser River Panel. The tribes involved were signatories to treaties with the United States in or about 1855. The object of the law was to implement the January 28, 1985, treaty with Canada and protect the tribal treaty fishing interests secured a century earlier. Time and circumstances required new legislation and the Congress took appropriate action.

Indian Self-Determination Act Amendments of 1988

The Indian Self-Determination and Education Assistance Act of 1975 had shown itself in need of revision. In the fall of 1988, the U.S. Congress passed laws to bring this act up to date. The new law is entitled the "Indian Self-Determination and Education Assistance Act of 1988." The law adds this new language:

> (b) The Congress declares its commitment to the maintenance of the federal government's unique and continuing relationship with, and responsibility to, individual Indian tribes and the Indian people as a whole through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from the federal domination

> of programs for, and services to, Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services. In accordance with this policy, the United States is committed to supporting and assisting Indian tribes in the development of strong and stable tribal governments, capable of administering quality programs and developing the economies of their respective communities. (Public Law 100-472, Act of October 5, 1988, 102 Stat. 2285)

The amendments to the law went on to provide under Title III, for the support of demonstration tribal self-governance projects.

Indian Fishing Rights and Taxation

The U.S. Congress also passed legislation to confirm Native fishing rights. Public Law 100-647 provided for Native Fishing Rights in subtitle E, 102 Stat. 3640, and stated that there would be no federal or state income tax on the exercise of treaty related fishing rights. The tribes have contended for years that because their treaties were silent on the matter that they had not given any authority to tax to the United States. The U.S. Internal Revenue Service took the opposite view that the treaties had not granted any exemption and therefore the income was subject to taxation. Congress took legislative action to side with the treaty tribes.

Tribally Controlled Schools Act of 1988

The Tribally Controlled Schools Act of 1988 reemphasizes tribal control by stating the following:

> ...The Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control ...

Congress took the opportunity to make a declaration of policy in this law in which it "declares its commitment to the maintenance of the federal government's unique and continuing trust relationship with and responsibility to the Indian people...."

Congress defined a national goal towards Native people in these words:

> The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

The Act specified that "Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities."

The Act also reaffirmed federal relations by stating that "Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for federal relations with the Indian Nations."

Death Penalty Act

During debate of the proposed federal Death Penalty Act in June of 1990, Senator Inouye, Chairman of the Senate Select Committee on Indian Affairs, offered an amendment to allow Indian governments to determine whether or not the death penalty should apply on their reservations. Before the Senate voted to keep the amendment in the bill, Senator Inouye reminded the Senate of the status of Indian tribes:

> *I believe that all of us should recall that Indian tribes are sovereign. They [have] been sovereign from the days of our Founding Fathers. As proof of that, there are 370 treaties in effect at this moment, treaties that have been ratified by the U.S. Senate. As sovereign people ... they should be given the right to determine whether their people should be subjected to the death penalty .... This is nondiscriminatory, fair legislation, recognizing the sovereignty of Indian people. It is that simple. (June 28, 1990, 136 Cong. Rec. 9045)*

Contemporary Responsibilities and Relationships in the Education of American Indians and Alaska Natives

The United States Congress has established a legislative framework to address the needs of Native students that is spread across several executive branch departments and agencies of the federal government. The most prominent federal agency involved in Native education is the Bureau of Indian Affairs whose traditional role has been to address the nation's "Indian problem" including those in education. The second agency is the U.S. Department of Education whose purpose is to serve the educational needs of all the nation's children including those who are Native.

The roles of the tribes in education has been the subject of much legislation and debate over the past two hundred years. Except for a brief period in the mid 1970s and early 1980s, the tribal role has been very small during the twentieth century. With the present renewed federal trend of shifting responsibility for education Native students from the federally-funded BIA and tribal schools to the public schools, the role of the states is increasing while the role of tribes is decreasing.

Federal Role Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) of the Department of the Interior serves the educational needs of Natives through an array of programs. The most obvious mechanism is through the 182 schools that the BIA operated in 1990. The Bureau of Indian Affairs contracts with tribes and administers grants to tribes for the operation of schools. In 1990, a total of 76 schools were operated by tribes.

The Bureau of Indian Affairs administers the Johnson O'Malley program which is directed at funding special education needs of Natives in public schools.

The Bureau of Indian Affairs also operates Postsecondary Education Programs established for Natives. One program provides special higher education scholarships and another program provides Adult/Vocational Education Programs.

Department of Education

The U.S. Department of Education has an Office of Indian Education which has the responsibility for Native Education. The statutory authority is provided through the Indian Education Act which funds 1,100 public schools. It also has an Indian Fellowship Program to address needs for financial support in postsecondary studies.

The Department of Education also serves Natives through the Compensatory Education Program under Chapter I and Migrant Programs. The Impact Aid Program, Bilingual Education, and the Drug Free Schools and Communities Act are also administered by the Department of Education.

Department of Health and Human Services

The Department of Health and Human Services also has programs serving the educational needs of Natives. These consist of the Head Start Program and the Indian Health Professions Scholarships Program.

Department of Labor

The Department of Labor operates programs for vocational, technical, and employment training for Native youth and adults. These programs include Job Corps, Job Training Partnership Act (JTPA) programs of Public Law 97-300, and Job Opportunities and Skills Program (JOBS) of Public Law 100-485. The programs provide funding for Native communities and organizations to serve the employment training needs of Native students.

TRIBAL ROLE

Native Controlled Schools

Federal agencies are not the only parties concerned with the education of Native children. Native parents have concerns about the adequacy of education for their children in terms of content and value and have demonstrated their motivation by providing access to education by establishing schools in urban environments, rural areas, and reservation areas. The tribal role in education has been limited by inadequate funding of tribal schools and continuing conflicts with federal agencies over local control and decision-making authority. In 1990, tribes operated 58 elementary and secondary day schools, 12 boarding schools, and 6 peripheral dormitories providing residential services to Native children attending public schools.

There has been increasing criticism of the operation of tribal governments over the last few years. The U.S. Civil Rights Commission is expected to issue a report critical of tribal courts (134 Congressional Record, Nov. 10, 1988, S-17391, 17393). The Senate Select Committee on Indian Affairs issued a report critical of tribal government operations in 1989 (A New Federalism, 1989, p. 13). The recent conviction of Navajo Tribal Chairman Peter MacDonald on corruption charges in 1990 have cast tribal government in the same light as the Oklahoma County Commissioners scandal cast a shadow on local county government.

Tribes are cognizant of the problems and are moving to improve their government operations by revising their constitutions, instituting improved court systems, and overhauling their administrative operations. The purpose of a revitalized and strengthened government is to serve the needs of Native communities. High on their list of priorities is the improvement of the education available to Native students and an increase in the financial resources needed to provide that education.

Tribally Controlled Community Colleges

Reservations are generally remote from urban areas and community colleges. This translates into limited access to postsecondary education for Natives. As a consequence, tribes formed the American Indian Higher Education Consortium in 1972 to overcome this lack of access to higher education. Recognizing that accreditation and financing were linked, the Consortium moved to shortcut some of the problems. The Consortium successfully achieved the financing goals by lobbying through Congress the Tribally Controlled Community Colleges Act of 1978 and secured reauthorization. The Native governments now operate 24 community colleges; two are four-year institutions. Nurtured in a Native social and cultural environment, the college students who attend these institutions now have a foundation for success in Indian Country.

Native Community Control

Although Native community control offers the hope for the future of Native education today, it is not by any means a new concept. In the early 1800s the Cherokees, Creeks, and Choctaws had established educational systems. Under the leadership of Sequoyah, the Cherokees developed their own syllabary, curricular materials, and even published a bilingual newspaper. Among the three tribes there were over 200 schools and academies. The success of the system was so great that 90 percent of the tribal people were literate (U.S. Senate, 1969, p. 19), a percentage extraordinary for the U.S. population then and today. When the federal government stepped in and took over the schools at the turn of the century, the progress made under community control began to reverse itself.

With programs geared to Native community-control, such as those funded by the Economic Opportunity Act, came a renewed interest in community control. Approximately a half dozen Native communities facing severe educational problems decided that the time for community-control had come. But the process did not happen over night. Assistance from foundations and government agencies and lawyers was needed to successfully fight all the battles that confronted the Native communities.

Native community-control of education is directly in line with President Nixon's 1970 address on Indian Affairs, where he said that Indian tribes and communities should have self-determination especially in the area of education. The government, however, has not facilitated the transfer to Native community-control. Instead, it has turned up stumbling blocks wherever possible. The BIA is not committed to self-determination and fights hard to keep from entering into contracts with local Native communities. As a result, the Native communities have solicited the services of lawyers or technical assistance resource groups to help negotiate the problems.

Organizations have been formed by concerned Native people for the very purpose of assisting Native parents and Native communities improve the educational opportunities for their children. They also help Native community members negotiate the necessary political arenas which refuse to turn the local schools over to the community. Examples of such organizations are the National Indian Education Association and the Coalition of Indian Controlled School Boards. The Coalition serves some 90 communities, parent groups, and school districts who either have already achieved control of their school or who are in the process of negotiating with local, state, and federal officials for such a takeover.

State Role

State efforts to address the educational needs of Native students are largely confined to providing Native students access to standard curricula in off-reservation

public schools largely through federal financing incentives attached to Indian education programs. Minnesota has made substantial efforts in this area (Beaulieu, Commissioned Paper of the Supplemental Volume, 1991). The public schools are supported with funding through the Johnson O'Malley program of the BIA and the Indian Education Act programs and Impact Aid programs of the Department of Education. All of these programs compensate public schools for assuming the responsibility for educating Native students. Impact Aid funds for public schools have increased steadily as the BIA budgets have declined in the 1970s and 1980s. The result of the shift in funds to public education has been a parallel shift in Native student enrollment from the poorly funded federal and tribal schools to the more financially stable and secure public schools.

Native community and tribal involvement in public education is very limited. The Native parent advisory committees required by some of the federal programs in the Department of Education have very limited impact on public school decision-making and administrative practices. In many cases, the requirements are ignored by both the public schools and the federal agencies as being impractical to implement. Where they exist, the parent advisory committees are acceptable to the state and federal agencies as surrogates for the role of tribes and Native governments. Their purpose is to legitimize that the programs operated under state control meet the needs of Native students.

There are a few exceptions to the non-Native control of public schools. A few on-reservation public schools operated under the control of Native school boards, such as the Rocky Boys Elementary School on the Rocky Boys Reservation in Montana and the zuni Public School District on the Zuni Reservation in New Mexico. These Native community schools elected to shift from federal control for state control to obtain greater and more stable funding for the schools.

Recent Supreme Court Decisions

Confirmation of the governmental powers of Indian tribes is found in the decisions of the Supreme Court on several cases argued before the Court in recent years.

Tribal Jurisdiction in Criminal Cases

Oliphant v. Suquamish Indian Tribe

Oliphant v. Suquamish Indian Tribe, 98 S.Ct. 1079 (1978), a 1978 decision of major importance, restrains the exercise of tribal sovereignty in the area of criminal jurisdiction. In this case, the Supreme Court held that Indian tribes have no inherent power to try and punish non-Indians who commit crimes on Indian reservations unless the tribe has been granted such power in a treaty of agreement or by act of Congress. The case involved two non-Indians who had violated tribal laws on the Port Madison

Reservation and who had been convicted and sentenced by the tribal court. Although stating that "Indian tribes do retain elements of 'quasi-sovereign' authority after ceding their lands to the United States and announcing their dependence on the federal government," the Court maintained that "by submitting to the overriding sovereignty of the United States, Indian tribes therefore necessarily give up their power to try non-Indian citizens of the United States except in a manner acceptable to Congress."

The Supreme Court could find no law which specifically removed the tribal power to assert criminal jurisdiction over non-Indians, yet it ruled that the exercise of this power is "inconsistent with the status" of Indian tribes. The Court found that the tribe's criminal jurisdiction over non-Indians had implicitly been curtailed by the entire history of Indian-United States relations. For the first time, the Supreme Court declared that a fundamental tribal power could be extinguished by implication. Limiting tribal power on this basis directly contradicts the long-standing principle of Indian law that Indian tribes retain all inherent sovereign powers unless specifically restrained by Congress or given up in a treaty or agreement.

United States v. Wheeler

The Supreme Court's statement in *Worcester v. Georgia*, that Native governments are "distinct, independent political communities" is still relied on today in support of the inherent sovereignty of Native governments. One of the recent cases to rely on concepts developed by Chief Justice Marshall in *Worcester*, and consistently relied upon by the courts in their decisions since 1832, is the 1978 decision of the Supreme Court in a case known as *United States v. Wheeler*, 435 U.S. 313 (1978), wherein the sovereign nature of tribes was once again reaffirmed. This case held that because Indian tribal courts and federal courts derive their authority from separate sovereigns, the double jeopardy clause of the United States Constitution does not prohibit prosecution in federal court of an Indian defendant already tried and sentenced for the same acts in tribal court. A member of the Navajo Tribe had been convicted of a crime by the Navajo Tribal Court. Federal authorities, believing that the Navajo had not been punished sufficiently, prosecuted him for the same actions in federal court. The Navajo appealed, claiming that the double jeopardy clause, which prohibits a defendant from being prosecuted twice by the same sovereign for offenses arising out of the same acts, made the federal prosecution illegal. The defendant argued that since he had already been tried in a tribal court which was actually "an arm of the federal government," forcing him to stand trial in a federal court for the same acts would in essence be a second prosecution brought by the same sovereign power.

The Supreme Court held that the Indian defendant could be prosecuted again by the United States, since Indian tribes remain separate political communities with inherent powers to enact laws and to prosecute tribal members for violations of those laws.

Because prosecution was brought by two different sovereigns, the federal government and the tribal government, the double jeopardy clause did not apply in this case. The Supreme Court stated:

> It is evident that the sovereign power to punish tribal offenders has never been given up by the Navajo Tribe and the tribal exercise of that power today is therefore the continued exercise to retained tribal sovereignty.

The Court emphasized the fact that the authority of tribes to prosecute criminal acts arises from the inherent power of a sovereign, rather than from any federal delegation of power.

Duro v. Reina

On May 29, 1990, in *Duro v. Reina* (1990) the Supreme Court held that the Salt River Pima-Maricopa Tribe did not have criminal misdemeanor jurisdiction over a non-member Indian working and residing on the reservation. The tribe prosecuted Duro on a misdemeanor charge of discharging a firearm when the federal district attorney dropped charges against Duro for the murder of a 14 year old Indian boy. The Supreme Court reasoned that the legislative, executive, and judicial branches of the federal government had always presumed the tribes lacked criminal jurisdiction over non-member Indians.

On October 24, 1990, Congress took action on what it regarded as an "emergency situation" created by the Supreme Court in *Duro*. Congress saw the decision as "Reversing two hundred years of the exercise by tribes of criminal misdemeanor jurisdiction over all Indians residing on their reservations." "Throughout the history of this country, the Congress has never questioned the power of tribal courts to exercise misdemeanor jurisdiction over non-tribal member Indians in the same manner that such courts exercise misdemeanor jurisdiction over tribal members." Congress then proceeded to amend the Defense Appropriation Act to suspend the effect of *Duro* until after September 1, 1991, while Congress considers comprehensive legislation to deal with the problem created by the *Duro* decision (136 Congressional Record, October 24, 1990, H13596).

To tribes the decisions limiting their authority and allowing state jurisdiction within Indian Country indicate that the Supreme Court has embarked on the same policy of termination that Congress embraced during the 1950s.

In *Brendale v. Confederated Tribes and Bands of the Yakima Indian Nations* 429 U.S. 408 (1989) and *Duro* decisions the Supreme Court indicated that if the Congress disagreed with their decisions, Congress could take action. After *Duro*, Congress did so with what can be regarded in comparison with budget issues as lightening speed. Tribal governments may have found common ground with Congress. The Congress may feel

that its power to regulate commerce with the Indian tribes is being infringed upon by Court decisions which go contrary to its legislation promoting economic development and tribal government. Congress is taking an active role through measures like the proposed, "New Federalism for American Indians Act," S.2512, 101st Cong., 2d Sess. (April 25, 1990). Because Indian affairs is not a major policy area like defense or the budget or health or education, Congress may feel that it can take substantial action and gain a positive image by acting favorably towards America's oldest governments and smallest minority.

Most certainly, the tribes will act to convince Congress to take decisive action to stop the Supreme Court's incursions. They will most certainly look to alternative opportunities and forums to vindicate their rights if Congress and the tribes cannot reach agreements. From the tribal point of view, the Supreme Court tried to do to the Native governments what Iraq has tried to do to Kuwait. A major concern of the Native governments is that the jurisdictional erosion will spill over into other areas such as education. The goal of the Native governments, of course, will be the application of the original principles espoused by Vitoria for treatment of the Native governments.

TREATY RIGHTS AND TRIBAL SOVEREIGNTY

United States v. Washington

On July 2, 1979, the Supreme Court issued an important decision on three consolidated cases on review of district court orders implementing the famous Judge Boldt decisions in *United States v. Washington*. The three cases consolidated were: *Washington v. Washington State Fishing Vessel Assn., State of Washington v. United States, Puget Sound Gillnetters Assn. v. United States District Court*, 99 S. Ct. 3055 (1979). In a 6-3 decision, the Court upheld the decisions of the lower federal courts.

At issue in the case was the interpretation of various treaties signed in 1854 and 1855 between the United States and a number of Native governments living in the coastal regions of Washington State. In these treaties, the tribes relinquished their interests in a vast amount of land in exchange for monetary compensation, relatively small parcels of land, and other guarantees such as protection of their "right of taking fish at usual and accustomed grounds...in common with all citizens of the territory."

The major issue was the interpretation of this phrase. The Supreme Court held that the term "in common with" meant the Indians had a right to take a certain amount of the harvestable fish, 45 to 50 percent, rather than merely an opportunity to try to catch some fish.

The Court reasoned that the treaties were signed between sovereign nations which reserved to themselves an approximately equal percentage of a harvestable natural resource. Thus, the Court stated:

> ...a treaty, including one between the United States and an Indian tribe, is essentially a contract between two sovereign nations. When the signatory nations have not been at war, and neither is vanquished, it is reasonable to assume that they negotiated as equals at arms length. There is no reason to doubt that this assumption applies to the treaty at issue here. Accordingly, it is the intention of parties, and not solely that of the superior side that must control any attempt to interpret the treaties.

Pointing out that the treaties should be interpreted according to what the Indians thought they meant, the Court also stated:

> It is absolutely clear, as Governor Stevens himself said, that neither he nor the Indians intended that the latter 'should be excluded from their ancient fisheries,' and it's accordingly inconceivable that either party deliberately agreed to authorize future settlers to crowd the Indians out of any meaningful use of their accustomed places to fish. That each individual Indian would share an 'equal opportunity' with thousands of newly arrived individual settlers is totally foreign to the spirit of the negotiations. Such a 'right,' along with the $207,500 paid the Indians, would hardly have been sufficient to compensate them for the millions of acres they ceded to the territory.
>
> Because the Indians had always exercised the right to meet their subsistence and commercial needs by taking fish from treaty area waters, they would be unlikely to perceive 'reservation' of that right at merely the chance, shared with millions of other citizens, occasionally to dip their nets into the territorial waters.

In reaching this decision, the Court affirmed that the Indians had granted certain rights or property interests to the United States in these treaty transactions and that those matters not mentioned in the grant were reserved or retained by the Indian grantors. Further, this decision reaffirmed the sovereign status of Indian tribes in contracting parties in treaty negotiations.

Indian Reservations in Oklahoma

In 1978, the *Littlechief* (1978) case and the Chilocco (1978) case confirmed that Indian Country still existed on tribal and allotted lands in western Oklahoma. Despite the popular saying that there are no reservations in Oklahoma, except the Osage Reservation, no one can show the legal basis for this assertion. In fact, federal cases have reached a contrary conclusion. With the courts renewed recognition of Indian Country in Oklahoma in 1978, tribes in western Oklahoma moved to establish courts and law enforcement systems. A 1980 case, *Cheyenne-Arapaho Tribes v. Oklahoma* (1980), held that land of that tribe is an Indian reservation. Tribes in eastern Oklahoma are currently engaged in the same effort since the decisions in *Creek Nation v. Hodel* (1982).

The recognition of Oklahoma as Indian Country may help lay a foundation for the argument that a tribal community college or colleges should be established in Oklahoma. The existing colleges and universities will react with opposition because they would perceive such a move as threatening their income from Native students. At the same time, the tribes would probably have to achieve some satisfactory political arrangement to govern one or more such tribal community colleges.

In 1991, the outgoing and the incoming governors of Oklahoma have expressed their belief that the tribes and the state have mutual economic interest and that they can and should work together. These agreements are to be approved by the Joint Committee on State-Tribal Relations of the Oklahoma legislature and the U.S. Secretary of the Interior. There may be an opportunity to convince the legislators that the creation of tribal community colleges would be an economic opportunity for Oklahoma which should be pursued.

TAXATION AND ZONING

Merrion v. Jicarilla Apache Tribe

In a case known as *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982) the U.S. Supreme Court in 1982 rejected a legal challenge against a severance tax imposed by the Jicarilla Apache Tribe on oil and gas producers on its reservation. Justice Thurgood Marshall, writing for the majority, construed the sovereignty of Indian tribes to include the power to tax business and commercial activities of outsiders on tribal lands. The tribal power to impose the severance tax was upheld as an incident of the inherent sovereignty of the tribe. The Court concluded that, "the tribes' authority to tax non-Indians who conduct business on the reservation does not simply derive from the tribes' power to exclude such persons, but is an inherent power necessary to tribal self-government and management."

The Court acknowledged that the taxing power was subject to congressional regulation, and in this case subject to Congressional regulation, and in this case subject to approval by the Secretary of the Interior as well. These factors, said the Court, "minimize potential concern that Indian tribes will exercise the power to tax in an unfair or unprincipled manner, and ensure that any exercise of tribal power to tax will be consistent with national policies."

Ramah Navajo School Board, Inc. v. Bureau of Revenue

The role of the state in Native education in Indian Country was summarized in the *Ramah Navajo School Board, Inc. v. Bureau of Revenue*, 458 U.S. 832 (1982) case in which the Supreme Court refused to let New Mexico impose a tax:

> In this case, the State does not seek to assess its tax in return for the governmental functions it provides to those who must bear the burden of paying the tax. Having declined to take any responsibility for the education of these Indian children, the State is precluded from imposing an additional burden on the comprehensive federal scheme intended to provide this education -- a scheme which has "left the State with no duties or responsibilities."

Generally the federal government and Native governments continue to have the primary responsibility for educating Indian children within Indian Country.

Kerr-McGee v. Navajo Tribe

While *Jicarilla* provided a positive result in a challenge to tribal authority the Kerr-McGee case raised a new question. Would "secretarial approval" be essential to the validity of a tribal tax? Tribal taxing authority was consistent with the national policies of self-determination and self-sufficiency. There was great fear that tribal taxing power would flounder on the rock of "secretarial approval." This potential obstacle was laid to rest in *Kerr-McGee v. Navajo Tribe*, 471 U.S. 195 (1985). The Supreme Court approved tribal leasehold property and gross receipts taxes on mineral extraction activities despite the absence of secretarial approval for the Navajo as a non-Indian Reorganization Act (IRA) tribe. Taxes have been historically recognized as flowing from tribal sovereignty, but "secretarial approval" provisions which appeared in virtually all IRA constitutions. The "secretarial approval" provisions were found inapplicable to non-IRA tribes like the Navajo. If IRA tribes want to remove the "secretarial approval" provisions in their constitutions, the Court found that "such tribes are free, with the backing of the Interior Department, to amend their constitutions to remove the requirement of secretarial approval."

The general premise sustaining tribal taxes was provided by Merrion:

> The petitioners avail themselves of the 'substantial privilege of carrying on business' on the reservation. The benefit from the provision of police protection and other governmental services, as well as from 'the advantages of a civilized society' that are assured by tribal government. Numerous other governmental entities levy a general revenue tax similar to that imposed ... [for] comparable service.

This premise, applicable equally in Indian and non-Indian contexts, has controlled the Court's tribal taxation approach in recent years. Provided that some tribal government services are enjoyed by the entity subjected to the tax, both *Merrion* and

Kerr-McGee reflect the Court's continued willingness to sustain taxes on nonmembers, despite the absence of such taxes for a long period of time, and, where appropriate, despite the absence of secretarial approval.

Washington v. Confederated Tribes of the Colville Reservation

Tribal taxing authority was also upheld in the case of *Washington v. Confederated Tribes of the Colville Reservation*. There the court examined the authority of the state of Washington to impose a state cigarette tax and other taxes at the same time that there were tribal taxes on the same products. The state of Washington had argued that the tribes had no power to impose their cigarette taxes on non-tribal purchasers. The court rejected the argument and held that the power to tax transactions occurring on trust lands and significantly involving a tribe or its members is a fundamental attribute of sovereignty which the tribes retain unless divested of it by federal law or necessary implication of their dependent status. What is clear from *Jicarilla, Kerr-McGee,* and *Colville* is that tribes, like states, can use taxes to raise revenues to help pay for schools, roads, tribal government and other governmental services.

Cotton Petroleum Corp. v. New Mexico

On April 25, 1989, in *Cotton Petroleum Corp. v. New Mexico*, 490 U.S., 109 S.Ct. 1698 (1989), the Supreme Court held that the state of New Mexico could validly impose severance taxes on a company doing business within the reservation even though the tribe also imposed such a tax. It poses a problem for the development of tribal economies and industry and seems contrary to the direction Congress has set through legislation.

The Court noted that "significant" services were provided by the state. The decision sets the tribal government and the state government in conflict about raising revenues to fund tribal services like education.

Brendale v. Confederated Tribes and Bands of the Yakima Indian Nation

On June 29, 1989, in *Brendale v. Confederated Tribes and Bands of the Yakima Indian Nation* the Supreme Court allowed a county of the state of Washington the authority to zone within that part of a reservation in which there was a substantial non-Native population. It raises the possibility for tribal-state conflict over school issues at some future date, although in all probability the federal preemption of Native education will exclude state authority.

TRIBAL COURTS

National Farmers & LaPlante

Two recent Supreme Court cases involve the jurisdiction of tribal courts, *National Farmers Union Insurance Cos. v. Crow Tribe of Indians*, 471 U.S. 845 (1985), and *Iowa Mutual Insurance Co. v. LaPlante*, 107 S. Ct. 971 (1987). In *National Farmers*, the Court reviewed the assertion of tribal court jurisdiction over a state-owned, on-reservation school and its non-Indian insurer, regarding a personal injury to a tribal member student which occurred at the school. The plaintiff prevailed because of a default judgment against the school district in tribal court. The school's insurance company, National Farmers, sought federal relief, involving general federal question of jurisdiction pursuant to 28 U.S.C. § 1331.

The Court said these elements will have to be examined to determine the extent of tribal civil jurisdiction: the extent to which tribal sovereignty has been altered, divested, or diminished, and a detailed study of relevant statutes, Executive Branch policy as embodied in treaties and elsewhere, and administrative or judicial decisions. Finally the Court applied an "abstention" rationale, "concluding that examination of the case should be conducted in the first instance in the tribal court itself."

> Our cases have often recognized that Congress is committed to a policy of supporting tribal self-government and self-determination. That policy favors a rule that will provide a forum whose jurisdiction is being challenged the first opportunity to evaluate the factual and legal basis of the challenge. Moreover, the orderly administration of justice in the federal court will be served by allowing a full record to be developed in the tribal court before either the merits or any question concerning the appropriate relief is addressed. The risks of the kind of "procedural nightmare" that has allegedly developed in this case will be minimized if the federal court stays its hand until after the tribal court has had a full opportunity to determine its own jurisdiction and to rectify any errors it may have made. Exhaustion of tribal court remedies, moreover, will encourage tribal courts to explain to the parties the precise basis for accepting jurisdiction and will also provide other courts with the benefit of their expertise in such matters in the event of further judicial review.

National Farmers followed an "exhaustion of tribal remedies" approach. *LaPlante*, a case decided in early 1987, was even more supportive of tribal court authority. An Indian employee of a member-owned ranch on the Blackfeet Reservation sued the ranch in tribal court for personal injuries (sustained while at work) and sued the ranch's insurer for bad faith refusal to settle the claim. After the tribal court found that it had valid civil jurisdiction, the insurer unsuccessfully sought relief in federal court. The insurer had argued that the federal court had jurisdiction because plaintiff and defendant were citizens of different states. The Supreme Court held that the *National Farmers* "exhaustion" rationale applied in diversity as well as federal question cases. The Court emphasized that the federal policy of promoting tribal self-government encompasses

the development of the entire tribal court system, including appellate courts. At a minimum, exhaustion of tribal remedies means that tribal appellate courts must have the opportunity to review the determinations of the lower tribal courts. The Court then went beyond a simple "exhaustion" requirement, applying a principle analogous to comity or full faith and credit to substantive decisions of tribal courts as well.

> Although petitioner must exhaust available tribal remedies before instituting suit in federal court, the Blackfeet Tribal Courts' determination of tribal jurisdiction is ultimately subject to review. If the Tribal Appeals Court upholds the lower court's determination that the tribal courts have jurisdiction, petitioner may challenge that ruling in the District Court. Unless a federal court determines that the tribal court lacked jurisdiction, however, proper deference to the tribal court system precludes relitigation of issues raised by the LaPlantes' bad faith claim and resolved in the tribal courts.

In both *National Farmers* and *LaPlante*, the Court reserved the issues concerning tribal civil jurisdiction for post-abstention adjudication. In *LaPlante*, however, the Court provided gratuitous dictum concerning how the ultimate jurisdictional issues are likely to be resolved:

> We have repeatedly recognized the federal government's longstanding policy of encouraging tribal self-government. This policy reflects the fact that Indian tribes retain attributes of sovereignty over both their members and their territory.
>
> Tribal courts play a vital role in tribal self-government, and the federal government has consistently encouraged their development. Although the criminal jurisdiction of the tribal courts is subject to substantial federal limitation, their civil jurisdiction is not similarly restricted ... .
>
> Tribal authority over the activities of non-Indians on reservation lands is an important part of tribal sovereignty. Civil jurisdiction over such activities presumptively lies in the tribal courts unless affirmatively limited by a specific treaty provision or federal statutes.

LaPlante's sweeping conclusion of non-jurisdictional non-reviewability grants potentially enormous authority to tribal courts acting within their jurisdiction in civil cases. With this authority, of course, goes enormous responsibility as well. While tribal courts, in most cases, are of relatively recent vintage, and vary widely in terms of structure, authority, and resources, their effective and judicious use of the authority extended by *LaPlante* will be critical to ensure continued judicial deference and forestall Congressional intervention.

The Bill of Rights, of course, is inapplicable to tribal judicial proceedings, and the Indian Civil Rights Act is enforceable only by habeas corpus in criminal cases. Nevertheless, tribal authorities should be cognizant that skeptics concerning tribal autonomy undoubtedly remain, and that proposals for federal intervention -- should tribal court remedies be perceived to be unjust -- have ranged from a "converse application of *National Farmers* ... wherein the question would not be whether the tribal court had

proper subject matter jurisdiction, but whether the tribal court had applied the [Indian Civil Rights Act] as mandated by *Santa Clara Pueblo v. Martinez* to guarantee a right with a remedy and a forum," to a national Indian Court of Appeals, to the outright abolition of tribal courts.

Models for Conflict Resolution

In formulating programs directed at serving the educational needs of Native children Congress has consistently required a role for Native parents and Native communities. The United States government has provided an example of considering the views of Native governments by use of the treaty process in which federal government officials negotiated agreements with tribal officials. Thus, the process of negotiations between Native and non-Native is well entrenched in United States law. In the 1942 edition of the *Handbook of Federal Indian Law*, Cohen pointed out that:

> Legislation based upon Indian consent does not come to and end with the close of the period of Indian land cessions and the stoppage of Indian land losses in 1934. For in that very year the underlying assumption of the treaty period that the Federal Government's relations with the Indian tribes should rest upon a basis of mutual consent was given new life in the mechanism of federally approved tribal constitutions and tribally approved federal charters established by the [Indian Reorganization Act]. Thus, while the form of treaty-making no longer obtains, the fact that Indian tribes are governed primarily on a basis established by common agreement remains, and is likely to remain so long as the Indian tribes maintain their existence and the Federal Government maintains the traditional democratic faith that all Government derives its just powers from the consent of the governed. Cohen, 1972, p. 69

This "consent of the governed" has been mandated by Congress in its requirements for Native parent participation in the various educational statutes. Congress has encouraged the states to follow these principles in a number of contexts outside of education. This encouragement for tribal-state negotiations can be considered as a model for conflict resolution with respect to educational issues which Congress has not specifically addressed. Section 16 of the Indian Reorganization Act vested power with the tribal governments to "negotiate with the Federal, State, and local Governments." Other areas in which negotiations have been conducted are modern land settlements including the Alaska Native Claims Settlement Act (43 U.S.C. §§ 1601-1628), various ancient Indian land claims (Maine, Massachusetts, Connecticut and Rhode Island), the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303) requirement for tribal permission for any extension of state jurisdiction in Indian Country after 1968, Indian Gaming Regulatory Act (25 U.S.C. §§ 2701-2721) requirements for tribal-state compacts for Class III gaming and Cross Deputization agreements for law enforcement between tribes and states.

All of these areas show the need for continued dialogue and agreement between state and Native governments if problems, including those in educational services for Native communities, are to be effectively addressed.

It took a time span of 480 years since Columbus' contact in 1492 until 1972 when Congress established parent advisory committees to provide elements of Native parent control in Native education. Since 1972, Congress has continued to provide increasing legal authority for American Indians and Alaska Natives to control educational programs for their people.

Congress intended to provide meaningful measures of financial control for Native governments when it included in Section 16 of the Indian Reorganization Act provisions for Native governments' views on budget development within the Bureau of Indian Affairs.

> The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

A recent United States General Accounting Office report entitled, *Indian Programs: Tribal Influence in Formulating Budget Priorities is Limited*, noted that "in the early 1970s BIA implemented a budget formulation process designed to give Indian tribes a substantial role in setting priorities among programs and their levels of funding." It took a generation for the BIA to involve Natives in the budget development process. This emphasizes the necessity for increased legal authority for Native people to control their educational programs and facilities. This means that working together the Native governments and Congress must reform Native education to meet Native education goals. All the reports of recent decades emphasize the necessity for Native control in their recommendations. Native people themselves emphasize involvement as the key to success (Beaulieu, 1991; Charleston, 1988a; Charleston, 1988b; Charleston, 1990). The recommendations of the Indian Nations at Risk Task Force reached the same conclusions.

Tribal Control Over Public Schools on Reservations

Melody L. McCoy, Attorney for the Native American Rights Fund (NARF), submitted a NARF position paper dated October 26, 1990, to the Indian Nations At Risk Task Force addressing tribal authority over public schools on reservations. This section presents excerpts of the position paper and summarizes its recommendations for new federal policy and legislation regarding public schools on reservations.

> Currently no federal policy or legislation expressly supports Indian control over public schools on reservations or in other Indian country by means of direct tribal governmental regulation. Essential to the success of tribal efforts in this area is a federal policy or legislation that does so. The policy or legislation should include provisions for direct

> federal funding of tribes in the area of education, notwithstanding the fact that education is provided in whole or in part by states. This paper exhorts the Indian Nations At Risk Task Force to urge the adoption of such a federal policy, including any legislation necessary to implement that policy. (McCoy, 1990, p. 4)

McCoy notes that "to date neither the Supreme Court nor any federal authority has ruled on the existence or scope of inherent tribal sovereign authority over the education of its members by state public schools on reservations. Under existing law, it is reasonable to expect that the existence of such authority would be upheld, but that its scope would be subject to some limitations" (p. 6). However, federal common law clearly recognizes inherent tribal sovereignty in the area of tribal Native education (*Ramah Navajo School Bd. v. Bureau of Revenue*, 458 U.S. 832 [1982]; *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 140 [1982]). The education provisions of many treaties which establish federal obligations to provide education services do not expressly affect tribal authority over education. McCoy states that it is unlikely that treaty provisions and federal education obligations would be found to restrict tribal authority over education since "...treaties are construed as reserving to tribes all rights not expressly ceded. *United States v. Winans*, 198 U.S. 371 (1905)" (pp. 6-7).

The "school selection" or "land grant" provisions of some treaties and some allotment and homesteading acts reserve sections of land within reservations to the "common" or public schools. McCoy states:

> ...while such provisions arguably confirm some state authority, the provisions also arguably do not impact tribal authority. Rather, they merely transferred to states the authority the federal government would have had, but that transfer leaves tribal authority unaffected. Compare Public Law 280, codified at 18 U.S.C. § 1162; 28 U.S.C. § 1360. Like the federal obligation provisions, the school selection or land grant provisions are not an express relinquishment of tribal authority by treaty. Tribal authority over education therefore could exist concurrently with state authority notwithstanding the school selection and land grant provisions. (p. 7)

> ...Like the treaties, the statutes [encouraging and funding state education of Natives] do not expressly divest tribal authority over the state public schools. Nor should they be construed to do so. The statutes generally authorize expenditures and contracts for state education of Indian children. In exchange for educating Indians, the states demanded federal subsidies to compensate for the tax-exempt Indian lands that they serve. Increasingly vocal Indian people also insisted that money for special Indian programs in state schools be available. Thus, the statutes are generally conspicuously absent of provisions regarding the existence of state authority or the lack of tribal authority over Indian education.

> Indeed, several of the recent statutes expressly confirm tribal authority over tribal and Indian schools, and some even sanction a measure of tribal and Indian parental control over and input into the state public schools. For example, Title I of the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. §§ 455-458a, provides for and encourages tribal and Indian controlled schools. The 1978 amendments to the Impact Aid laws, 20 U.S.C. §§ 240 (b) (3), provide for tribal and Indian parental input

into and control over public school district funding applications and programs under Impact Aid. The amendments also establish a complaint procedure whereby Indian parents and tribes may file complaints against the public school district which ultimately may be reviewed by the federal Department of Education. Such procedures and sanctions are expressly based on the government-to-government relationship between tribes and the federal government. 20 U.S.C. §§ 240 (b) (3) (F). (p. 9)

McCoy noted that:

...state entities and officials are increasingly being found to be subject to tribal authority for their activities on Indian reservations. See, e.g. *Sage v. Lodge Grass School Dist.*, 13 Ind. L. Rep 6035 (Crow Ct. app., July 30, 1986) (No. 82-287). Clearly with respect to on-reservation schools, the states are operating within the exterior boundaries of tribal territorial authority. Nevertheless, unlimited tribal regulatory authority over a state entity would likely be viewed as simply inconsistent with federalist principles and inter-sovereign relations, and therefore impermissible.

Instead, tribal and state authority over Indian education in state public schools would probably be found to be concurrent. This is apparent from federal statutes such as the Johnson O'Malley Act, the Impact Aid laws, the Elementary and Secondary Education Act of 1965, the Indian Education Act of 1972, the Indian Self-Determination and Education Assistance Act of 1975, and the Indian Education Act of 1988. ...The statutes, along with the federal policy encouraging tribal self-government, imply that both state and tribal governments have authority over the state schools that serve Indian children.

Likewise, both states and tribes have strong interests in regulating the public school education of Indian children. States have built and maintained the schools, funded in part by state revenues. They also have extensive existing education regulatory schemes. States have an interest in exercising their sovereign rights to operate public school systems, and in maintaining their regulatory function regarding public education.

However, tribal interests are legitimate as well. The state schools are operating within the boundaries of tribal territorial authority and are serving tribal members. Tribes have interests in protecting their fundamental rights to exercise their sovereignty, to provide for their people, and to protect their resources, particularly their human resources.

On balance, the state's role in Indian education in state schools may be primary. Most states agreed to maintain public schools as a condition of their statehood. Providing public education in this country is a traditional state function, and with federal approval and assistance in the form of significant funding, that function has been extended to reservation Indians.

Nevertheless, a reasonable amount of direct tribal regulation of state public schools seems justified. It would exist concurrently with the authority of the states and its exercise would be limited so as not to interfere with the states' role. It would be geared specifically towards addressing specific tribal interests which do not inhibit the states from fulfilling their roles. (pp. 12-14)

A tribal education code has been developed for some reservations to define the relationships between tribal and state roles in regulating public school education on

reservations. For example, the Rosebud Sioux Reservation Code addresses the following areas:

- Tribal curriculum and education standards, including instruction in Rosebud Lakota language, history, modern federal-tribal-state relations.
- Tribal alcohol and substance abuse prevention programs.
- The hiring and retention of more Native teachers and administrators.
- Increased and effective parental and community involvement.
- Unique tribal education goals such as the preservation of tribal culture and the promotion of a better understanding of modern tribal government.

The tribal Code supplements rather than supplanting the regulatory role of the state (p. 16).

McCoy urges the development of new federal policy and enactment of implementing legislation to support direct tribal regulatory authority over the public schools. Public Law 100-472, part of the 1988 Amendments to the Indian Self-Determination Act, codified at 25 U.S.C. § 450f, established Tribal Self-Governance Demonstration Projects, or "Direct Funding Project." The Act lends great support to a new federal policy and new legislation that confirms the right of tribes to directly regulate state schools on reservations. The self-governance projects treat tribes in the same manner as states in direct funding of their governmental operations (pp. 17-18). New policies and legislation must include provisions for direct funding to tribes to ensure tribal regulatory control is effective (p. 19).

New Congressional legislation confirming tribal regulatory authority over public schools on reservations is important because of the recent reluctance of the Supreme Court to confirm tribal rights to extend their sovereignty into new areas, or to rely solely on general principles such as tribal sovereignty (McCoy, 1990, p. 20). The impact of legislation on the Court's decisions is evident in *Mississippi Band of Choctaw Indians v. Holyfield*, 490 U.S., 109 S.Ct. 1597 (1989). This case involved tribal rights under the Indian Child Welfare Act when children were born off reservation but domiciled on the reservation. The Court upheld wide-reaching tribal rights which were supported with legislation confirming those rights (McCoy, 1990, p. 20).

Effective Educational Performance of Native Students

The 1988 *Report on BIA Education: Excellence in Indian Education* summarized the performance of BIA students on nationally standardized tests as "well below the national averages" (p. 91). The report proposed to replicate the programs at schools which had better test results. This raises the question of accountability with respect to school performance of Native students. On the one hand, this means the development and implementation of standards and instruments for accountability such as those administered at the BIA schools described in the report. On the other hand, this means that Native governmental leadership must understand that just as a trust relationship and fiduciary duties exist between Native governments and the United States, a similar trust relationship and fiduciary relationship exists between Native governmental leaders and the Native people that they represent. The challenge in the educational arena is selecting the choices which represent the best interests of the tribal members.

The options include addressing some immediate goals such as economic development and employment. Clearly, educational success can be measured to some extent by employment. But, Native people who are educated and have the proper credentials, whether as auto mechanics or college professors, may not have the opportunities to work within their home communities.

Self-sufficiency within each Native community will have to be built family by family. At the same time that effective educational systems are developed, business enterprises will have to be developed. In the short run, economic needs can be addressed by having the business enterprises assist in the educational development of Native people. Programs of this nature, which provide on-the-job training, are familiar to Native communities through the CETA and JTPA programs.

The long-term responsibilities of Native governments will be to select the self-sufficiency goals of their particular Native community. This will mean selecting the standards of success through such measures as matriculation, student retention, graduation, and the placement of vocational students in meaningful full-time employment. The development of tribal colleges are an example of this process (Wright & Tierney, 1991, p. 17).

One future for Native education was suggested in the 1988 BIA Report:

> If tribes were to be freed to fend for themselves without BIA oversight, what would be their future relationship to the states? Is it conceivable that, as some Indian groups are proposing, reservations collectively could resemble a 51st state, and that an Indian Department of Education analogous to a State Department of Education would then be formed? (p. 145)

Yet, it is difficult to imagine the achievement of a state of true Native self-determination without much greater economic development than now exists on most reservations. Such development would involve the acquisition of skills and the production of goods and services that mainstream America demands. Reservations would find it very difficult to exist in the modern age as isolated and autonomous social and economic units. Hence, even if many Natives continue to move back and forth between two distinct cultures, they will need to understand and be able to function effectively within the mainstream American culture. Given this hard reality, the BIA report asks, might Natives be served best by receiving their education in public schools, although knowing that these schools, unlike their BIA counterparts, rarely provide courses on Native history and culture? (p. 145).

After raising this question the report discusses the idea of Tribal Systems of Education:

> A tribal system would include a tribal educational staff with personnel, curriculum, bilingual, computer and other specialists. The tribal system would be responsible for the hiring of school principals and would review the hiring of individual teachers. The Federal contract with the tribe might specify the standards of basic knowledge and skill to which the tribal system would then be held accountable. However, assuming that tribal education met these standards, the tribal system would have wide freedom and independence in choice of curriculum, teaching methods, textbooks, and other basic educational decisions. The Choctaw in Mississippi and the Tohono O'odham (Papago) in Arizona are currently considering how to best begin the contracting of their total education system now operated by the BIA. (p. 146)

Most Native leaders considering these opportunities would find it difficult to find the negative side of the issue. Some Native governments have made progress in economic development (Hill, 1991, p. 25). The American Indian Science and Engineering Society (AISES) recruits Native students into science and engineering fields. AISES feels that it is successful because it emphasizes American Indian culture, high expectations in student performance, and consideration of tribal needs and college achievement (Hill, 1991, p. 26).

What programs like AISES achieve are examples for Native governments and communities to consider in developing their own educational and economic goals. Programs like AISES can be adapted to fit a particular environment in Indian Country and melded with existing tribal college programs.

As the array of possibilities is examined, adapted, or discarded an essential element in the evaluation will be how the particular possibility will effect Native culture. If a particular set of standards, goals, and programs in education can build upon and strengthen tribal culture, a Native community will be willing to support and embrace it. If it fails with respect to the cultural criteria, it is likely to fail altogether.

SUMMARY AND RECOMMENDATIONS

The standards set forth five hundred years ago by Francisco de Vitoria to guide the political relationship between the Native peoples of the Americas and the peoples of Europe are the standards that govern that relationship today. The political equality of American Indians and Alaska Natives is manifested in the government-to-government relationship and the recognition of inherent tribal sovereignty. The powers of Native governments are a vital living force utilized every day in Indian Country. The rest of American society may rarely hear or see these powers unless a litigated controversy is handed down from a federal court or the U.S. Supreme Court. It will catch a moment's notice because the idea of Native governmental powers may seem such an anomaly.

Many of the Native governmental powers remain intact; and, although there has been encroachment in some areas as a result of judicial decision or statutory enactment, the basic authority of the legislative, executive, and judicial departments of Native governments remain ready to be exercised. These powers are defended by the Native governments themselves, by the Congress and by the Courts. Although at the present moment, Congress is the defender of Native governmental powers, the traditional supporter of such powers has been the Court.

When the United States entered into the government-to-government relationship, it made a commitment to support the Native governments. Native leadership can be effective only when it is properly educated. Native peoples regard the provision of resources for proper education as part and parcel of the special legal relationship with the United States.

This paper is not so much about Native education as it is about Native government. The recommendations to be made are quite simple. Congress must continue to support the authority of Native governments to control Native education. In a setting outside Indian Country, control of Native education must remain in the hands of Native parents. And, Congress must provide the financial resources to achieve these goals. History has provided clear evidence that Native education can only be a success when Natives control Native education. And finally, Congress must provide Native governments with the legislative tools to achieve these goals. Of what do these tools consist? They consist of agreements described by Congress in its New Federalism Report. A century ago these agreements were called treaties:

> We must promise the word of our nation once again by entering into new agreements that both allow American Indians to run their own affairs and pledge permanent federal support for tribal governments. Only by enshrining in formal agreement the federal government's most profound promise will we finally bury the discredited policies of forced tribal termination and Indian assimilation deep in their deserved graves. (New Federalism, p. 17)

The report set forth the circumstances in which the agreements would take place stating:

The empowerment of tribal self-governance through formal, voluntary agreements must rest on mutual acceptance of four indispensable conditions:

"1. The federal government must relinquish its current paternalistic controls over tribal affairs; in turn, the tribes must assume the full responsibilities of self-government;

2. Federal assets and annual appropriations must be transferred in toto to the tribes;

3. Formal agreements must be negotiated by tribal governments with written constitutions that have been democratically approved by each tribe; and

4. Tribal governmental officials must be held fully accountable and subject to fundamental federal laws against corruption."

The roles and responsibilities of Native government were examined and addressed in this report as well:

The history of the Indian people convinces us that where federal control has failed, real Indian self-government will succeed. By acknowledging the dignity of our first countrymen, renewing the commitment made to them by the Founding Fathers, and pledging a fresh and full partnership. American Indians can finally inherit the birthright promised them two centuries ago.

Differences in point of view, and indifference to advice from the Native community for a period of over two centuries have prevented the federal government's policy in the area of Native education from being a success. Only now, with the hope of Native control through participation on school boards, parent-teacher interaction, and control of the budget from educational appropriations does success loom on the horizon.

The enduring strength of American Indian and Alaska Native cultures has furnished the foundation to enable the Native people on this continent to endure unbelievable hardships at the hands of the European settlers, and to emerge on the American scene in the 20th century as dynamic cultures whose attitudes toward life, education, and nature can teach all Americans a great deal.

REFERENCES

Books and Journals

Cohen, F.S. (1972). *Handbook of Federal Indian Law*, University of New Mexico Reprint of 1942 edition.

Cohen, L.K. (1960). *The Legal Conscience: Selected Papers of Felix S. Cohen*. Yale University Press.

Congressional Record, 100th Congress, (November 10, 1988). Statement of Senator Daniel K. Inouye, Chairman, Select Committee on Indian Affairs. Regarding the Activities of the Select Committee in the 100th Congress, S. 17391-17394. Washington, D.C.: U.S. Government Printing Office.

Congressional Record, 59th Congress, 1st Sess., p. 3122, 5041. Washington, D.C.: U.S. Government Printing Office.

Ferguson, (1962).

Kappler, C.J., (1929). *Indian Affairs, Laws and Treaties*. Washington, D.C.: U.S. Government Printing Office.

Kickingbird, K. & Kickingbird, L. (August, 1979). A Short History of Indian Education, Part I. *American Indian Journal*, 5(8).

Kickingbird, K. & Kickingbird, L. (September, 1979). A Short History of Indian Education, Part II, *American Indian Journal, 5(9).*

Kickingbird, Kickingbird, Chibitty, & Berkey (1977) *Indian Sovereignty.*

Lynch, P.D. & Charleston, G.M. (1990). The emergence of American Indian leadership in education. *Journal of American Indian Education*, Tempe, AZ: Arizona State University.

Mohr, W.H. (1933). *Federal Indian Relations, 1774-1778.* Philadelphia: University of Pennsylvania Press.

Morison, S.E. (1965). *Oxford History of the American People.*

Public Papers of the Presidents of the United States, Ronald Reagan, Statement of Indian Policy, January 24, 1983, pp. 96-100.

Tyler, S.L. (1973). *A History of Indian Policy, United States Department of the Interior, Bureau of Indian Affairs*. Washington, D.C.: Government Printing Office.

United States Department of the Interior (1877). *Report of the Indian Commissioner, 1877.*

United States Department of the Interior (1865). *Report of the Indian Commissioner, 1865.*

United States Department of the Interior (July 11, 1973). *Report on audit of Johnson-O'Malley contracts between the Bureau of Indian Affairs and the Oklahoma Department of Education, Oklahoma City, Oklahoma*. Washington, D.C.: Office of Survey and Review.

United States Department of the Interior (1934). Solicitors Opinion, *Powers of Indian Tribes*, p. 55 I.D. 14. Washington, D.C.: Department of the Interior.

United States Congress (1976). *American Indian Policy Review Commission, Task Force Five, Report on Indian Education*. Washington, D.C.: Government Printing Office.
United States Congress (1977). *American Indian Policy Review Commission, Final Report*. Washington, D.C.: Government Printing Office
United States General Accounting Office. (February, 1991). *Indian Programs: Tribal Influence in Formulating Budget Priorities is Limited*. Washington, D.C.: U.S. Government Printing Office.
United States Indian Claims Commission (1979). *Final Report of the United States Indian Claims Commission*. Washington, D.C.: Government Printing Office.
United States Senate Report No. 1080, 73d Cong., 2d session, presented by Senator Wheeler. Washington, D.C.: Government Printing Office.
United States Senate, Select Committee on Indian Affairs (March 9-10, 1978). 95th Cong., 2d Sess. on S. 2502. *Hearings to authorize the States and Indian Tribes to enter into Mutual Agreements and Compacts Respecting Jurisdiction and Governmental Operations in Indian Country. Tribal State Compact Act of 1978*. Washington, D.C.: U.S. Government Printing Office.
United States Senate Special Committee on Investigations of the Select Committee on Indian Affairs (November 20, 1989). *A New Federalism for American Indians*, Senate Report 101-216, 101st Cong., 1st Sess., Washington, D.C.: U.S. Government Printing Office.
Washburn, W. *The American Indian and the United States, A Documentary History*, Vols. I-IV.

CASES

Brendale v. Confederated Tribes and Bands of the Yakima Indian Nations, 429 U.S. 408 (1989)
Bryan v. Itasca County, 426 U.S. 373 (1976)
California State Board of Equalization v. Chemuevi Tribe, 474 U.S. 9 (1985)
Cherokee Nation v. Georgia, 30 U.S. 1 (1831)
Cheyenne-Arapaho Tribes v. Oklahoma, 618 F.2d 665 (10th Cir. 1980)
Conley v. Ballinger, 216 U.S. 84
Cotton Petroleum Corp. v. New Mexico, 490 U.S. 163 (1989)
Creek Nation v. Hodel, 851 F. 2d 1439 (D.C. Cir. 1988)
Duro v. Reina (1990)
EEOC v. Cherokee Nation, 871 F. 2d 937 (10th Cir. 1989)
Harjo v. Kleppe, 420 F. Supp. 1110 (D.D.C. 1976)
Iowa Mutual Insurance Co. v. LaPlante, 480 U.S. 9 (1987)
Lone Wolf v. U.S., 187 U.S. 553
Kerr-McGee v. Navajo Tribe, 471 U.S. 195 (1985)
Kimball v. Callahan, 590 F. 2d 768 (9th Cir. 1979)
Marks v. U.S., 161 U.S. 297 (1896)

McClanahan v. Arizona Tax Commission, 411 U.S. 164 (1973)
Menominee Tribe v. United States, 391 U.S. 404 (1968)
Merrion v. Jicarilla Apache Tribe, 455 U.S. 130 (1982)
Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S. 30 (1989)
Moe v. Confederated Salish and Kootenai Tribes, 425 U.S. 463 (1976)
Montana v. United States, 450 U.S. 544 (1981)
Montoya v. U.S., 180 U.S. 269 (1901)
Morton v. Mancari, 417 U.S. 535 (1974)
National Farmers Union Insurance Cos. v. Crow Tribe of Indians, 471 U.S. 845 (1985)
Oklahoma Tax Commission v. Citizen Band Potawatomie Indian Tribe of Oklahoma, 498 U.S. 505 (1991)
Old Settlers v. United States, 148 U.S. 427 (1893)
Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978)
Quick Bear v. Leupp, 210 U.S. 50 (1907)
Ramah Navajo School Board, Inc. v. Bureau of Revenue, 458 U.S. 832 (1982)
Sage v. Lodge Grass School Dist., 13 Ind. L. Rep 6035 Crow Ct. App., July 30, 1986) (No. 82-287)
Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978)
Spaulding v. Chandler, 160 U.S. 394 (1896)
State v. Littlechief, 573 P. 2d 263 (Okla. 1978)
Thomas v. Gay, 169 U.S. 264 (1898)
United States v. Kagama, 118 U.S. 375 (1886)
United States v. Washington, (three consolidated cases: *Washington v. Washington State Fishing Vessel Association; State of Washington v. United States; Puget Sound Gillnetters Assn. v. United States District Court*, 443 U.S. 658 (1979)
United States v. Wheeler, 435 U.S. 313 (1978)
United States v. Winans, 198 U.S. 371 (1905)
Warren Trading Post v. Arizona Tax Commission, 380 U.S. 685 (1965)
Washington v. Confederated Tribes of the Colville Indian Reservation, 447 U.S. 134 (1980)
Worcester v. Georgia, 31 U.S. 515 (1832)

STATUTES

Act of March 3, 1871, 16 Stat. 566; 25 U.S.C. §71, Ending Treaty-Making with Indian Tribes
Alaska Native Claims Settlement Act, 43 U.S.C. §§ 1601-1628
Civilization Fund Act of March 3, 1819, U.S. Statutes at Large, Vol. 4 516
Elementary and Secondary Education Act, Title I, 79 Stat. 27, 20 U.S.C. § 2701 et seq.
Federal Impacted Areas Act, Ch. 1124, 64 Stat. 1100, 25 U.S.C. § 236 et seq.
Federal Impacted Areas Act Amendments of 1978, 20 U.S.C. §§ 240 (b) (3)

House Concurrent Resolution 108, 83rd Cong., 1st Sess. (1953)
Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq.
Indian Citizenship Act of June 2, 1924, 43 Stat. 253; 8 U.S.C. § 140 (a) (2)
Indian Civil Rights Act, 25 U.S.C. § 1301 et seq.
Indian Education Act of 1972, 20 U.S.C. § 241aa-241ff. § 1211a, § 1221f-1221h, § 3385-3385b
Indian Education Amendments of 1988, P.L. 100-297; Cong. Rec., 1988, p. S17392
Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.
Indian Reorganization Act (Wheeler-Howard Act) of June 18, 1934, 48 Stat. 984; 25 U.S.C. § 476
Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. § 450a et. seq.
Indian Self-Determination and Education Assistance Act Amendments of 1988, 25 U.S.C. § 450f, established Tribal Self-Governance Demonstration Projects or Direct Funding Projects Johnson O'Malley Act of 1934, 25 U.S.C. § 452 et seq.
Menominee Restoration Act of 1973, 87 Stat. 730, 25 U.S.C. § 903-903f
Public Law 93-580, 25 U.S.C. § 174
Public Law 93-580; 25 U.S.C. § 174 (1975), an Act to establish the American Indian Policy Review Commission
Snyder Act of 1921, 25 U.S.C. § 13
Termination Act, Public Law 83-280 (Act of Aug. 15, 1953, 67 Stat. 388) Amended 1968, 25 U.S.C. § 1301 et seq.
Trade and Intercourse Act of 1802

OTHER STATUTES

25 U.S.C. § 231.
25 U.S.C. §§ 2604 (b)(2)(B).
25 U.S.C. § 461 et seq.
25 U.S.C. § 566 (Klamath), § 713 (Grand Ronde), § 731 (Alabama-Coushatta), and § 1300g (Ysleta del Sur).
28 U.S.C. § 1331.
20 U.S.C. §§ 240 (b)(3)(F).

Indian Education: A National Tragedy -- A National Challenge, S. Report No. 91-501, Committee on Labor and Public Welfare, 1969. Tyler, 1973, pp. 172-183, 197-201).
Kappler, *Laws and Treaties*, Vols. I-VII.
Cohen, 1942, *Handbook of Federal Indian Law*, p. 122.
U.S. Department of the Interior, Solicitors Opinion, Powers of Indian Tribes, 1934, p. 55 I.D. 14.
AIPRC Final Report, 1977, pp. 64-69.

U.S. Senate Special Committee on Investigations of the Select Committee on Indian Affairs, *A New Federalism for American Indians*, S. Rept. 101-216, 101st Cong., 1st Sess., Nov. 20, 1989, pp. 16-17 and S. 2512, 101st Cong., 2d Sess., April 25, 1990.
The Problem of Indian Administration, and popularly known as the Meriam Report.
Hoover Commission, *Report on Indian Affairs*, 1949.
1988 Report on BIA Education: Excellence in Indian Education.
United States General Accounting Office Report entitled, *Indian Programs: Tribal Influence in Formulating Budget Priorities is Limited.*

About the Authors

Kirke Kickingbird, a Kiowa attorney from Oklahoma, directs the Native American Legal Resource Center, School of Law, Oklahoma City University and serves as an assistant professor of law. He has served as the Acting Regional Officer of the Rocky Mountain Regional Office of the Legal Services Corporation; co-founded and directed the Institute for the Development of Indian Law; served as General Counsel to the U.S. Congress' American Indian Policy Review Commission; and served on the executive staff of the Commissioner of Indian Affairs for the Office of Congressional Relations.

G. Mike Charleston, a Choctaw from Oklahoma, was an education scholar and author of many studies on American Indian/Alaska Native education. He was most recently employed with the University of Colorado at Denver as a professor of Educational Administration. Among his many works was a national study of Canadian Indian Education for the Assembly of First Nations of Canada, Project Director for the Indian Nations At Risk Study conducted in 1990 by the U.S. Department of Education and several studies with the Indian Health Service. In addition, Dr. Charleston previously directed the American Indian Leadership Program at Pennsylvania State University and worked with the Mississippi Choctaw Adult Education Program. The National Advisory Council on Indian Education had the opportunity to work with Mr. Charleston during his time in Washington. The American Indian and Alaska Native community will miss his expertise in furthering the education of all Indian people due to his untimely death in March, 1993.

PART 5

INDIAN EDUCATION ACT REVIEW, FY 1992

OFFICE OF INDIAN EDUCATION FORMULA GRANT PROGRAM

Financial Assistance to Local Educational Agencies for the Education of Indian Children -Subpart 1

The Office of Indian Education provides financial assistance to local educational agencies (LEAs) and Indian-controlled schools to develop and carry out elementary and secondary school programs designed to meet the special educational and culturally related academic needs of Indian students. For purposes of the formula grant program, eligible applicants include Public Schools, Indian Controlled Schools (ICSs) and schools operated directly by the Bureau of Indian Affairs.

The Office of Indian Education is authorized to fund applications that include proposals for the planning and development of programs, establishment, maintenance and operation of programs including minor remodeling of classroom or other equipment, and for the training of counselors at schools eligible to receive funds under this subpart in counseling techniques relevant to the treatment of alcohol and substance abuse. Applicants may also apply for assistance to carry out pilot projects designed to test the effectiveness of their projects. These programs are authorized under Subpart 1 of the Indian Education Act of 1988.

The following definition from Public Law 100-297 which authorizes the Indian Education Act applies to Indian participants benefiting from the Subpart 1 formula program:

> *§ 250.5(b)--means an individual who is:*
>
> *(1) A member (as defined by an Indian tribe, band, or other organized group) of Indians, including those Indian tribes, bands, or groups terminated since 1940 and those recognized by the States in which they reside;*
>
> *(2) A descendant, in the first or second degree of an individual described in paragraph (1) of this definition;*
>
> *(3) Considered by the Secretary of the Interior to be an Indian for any purpose; or*
>
> *(4) An eskimo or Aleut or other Alaska native.*

In fiscal year 1992 (school year 91-92) one thousand and sixty one (1,061) LEAs in 42 states received formula grants. These LEAs reported an eligible Indian student enrollment of over 368,000. The size of subpart 1 Indian student populations ranged

from 6 students at Leon Public Schools in Oklahoma to over 10,000 students in Robeson County, North Carolina. FY 92 formula grant amounts ranged from $670 to $1,410,644 respectively. In fiscal year 1991 LEAs who were not grantees in 1988 were allowed to apply or reapply as a new applicant for formula funding. From 1991 to 1992 the number of grantees increased from 1,061 to 1,163. The moratorium on new LEA grantees since 1988 allowed BIA schools to apply for and receive formula funds consistent with the language contained in the most recent reauthorization of the Indian Education Act of 1988.

Eligible Applicants: Local educational agencies; certain schools operated by Indian tribes; and Indian organizations that are established by tribal or inter-tribal charter or, if located on an Indian reservation, are operated with the sanction or by charter of the governing body of that reservation. Tribal schools and schools operated by the Bureau of Indian Affairs (BIA) are considered LEAs for the purpose of this program. BIA schools have been allowed to receive formula funds since fiscal year 1989 and were so authorized by the 1988 Hawkins/Stafford Elementary and Secondary School Improvement Act, P.L. 100-297. Therefore, when the terms "school district" and "LEA" are used in the application for formula grant awards, they are written in a manner to include tribal schools and BIA schools.

Grant Awards: The Amount of the grant award is based, in part, on the number of Indian children enrolled in the applicant's schools on the count date or during the count period and for whom the LEA has on file an ED 506 form. Before including a student in the count of Indian children to generate funds, the applicant must determine that the ED 506 Form includes, at a minimum: (1) the student's name; (2) the name of the eligible Indian tribe, band, or group of which the student, the parent, or the grandparent is a member, as defined by the tribe, band or group; and (3) the parent's signature and date.

Public Hearings: All applicants, including BIA and tribal schools, must annually hold one or more public hearings prior to the preparation of applications (new and continuation). The public hearing should provide parents of Indian children, teachers, and where applicable, secondary students an opportunity to understand the project and to offer their recommendations. If an application is being made for a continuation award, the grantee must provide an opportunity for a discussion of all aspects of the project at the public hearing(s).

Parent Committees: Applicants, other than tribal schools or BIA schools, must establish and publicize procedures for selecting a parent committee prior to developing an application. Those persons eligible to serve on the parent committee are: (1) parents of Indian children who will participate in the proposed project; (2) teachers, including

guidance counselors, except members of the project staff; and (3) Indian secondary school students, if any, enrolled in the LEA schools.

Subpart 1 Services: According to a 1983 evaluation of the Subpart 1 program, the services most frequently offered by Subpart 1 projects were tutoring and other academic activities (80 percent), Indian history and cultural instruction or activities (64 percent), counseling (48 percent), and home-school liaison (38 percent). According to annual audits conducted by the Office of Indian Education, the majority of the Subpart 1 Indian projects audited were meeting all or most of the perceived needs for supplementary education-related services for participating students.

Table 1 shows the distribution of students counted by each state for the last six fiscal years (1987-1992) under the Subpart 1 formula program. Several states show a marked increase in the number of students from one year to the next. Since FY 1991 was the first year that new applicants could apply for formula funds, one could assume that the increase may be attributed to new projects applying for and receiving formula funding for the first time since 1988. The CFDA (Catalog of Federal Domestic Assistance) number is identified for each program under the Indian Education Act.

INDIAN EDUCATION ACT, SUBPART 1 FORMULA GRANT PROGRAM
LEA Student Count by State
Fiscal Years 1987-92

Table 1

ST	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	# CHANGE FY 87-92
AL	8,881	10,005	10,599	11,173	11,385	11,220	+2,339
AK	21,090	21,051	21,779	22,254	23,225	24,937	+3,847
AR	342	752	777	706	920	967	+625
AZ	37,551	38,817	39,627	40,663	51,554	53,133	+15,582
CA	27,105	28,191	28,059	29,026	30,549	31,537	+4,432
CO	1,333	1,853	2,018	2,205	2,370	2,573	+1,240
CT	121	109	110	119	119	119	-2
DE	0	0	0	0	0	0	0
FL	572	704	696	709	419	486	-86
GA	0	0	0	0	0	0	0

ST	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	# CHANGE FY 87-92
HI	0	0	0	0	0	0	0
ID	1,882	1,907	1,910	1,987	2,043	2,036	+154
IL	742	806	800	756	824	525	-217
IN	97	98	105	106	113	111	+14
IA	822	807	776	848	417	812	-10
KS	1,311	1,417	1,441	1,459	1,558	1,756	+445
KY	0	0	0	0	0	0	0
LA	2,951	3,124	3,380	3,659	3,743	3,811	+860
ME	419	421	426	441	453	467	+48
MD	904	864	850	858	880	893	-11
MA	574	579	599	599	583	446	-128
MI	12,093	12,329	12,362	13,045	12,676	13,660	+1,567
MN	12,016	12,048	11,396	11,751	11,954	12,350	+334
MS	93	104	105	107	1,379	1,449	+1,356
MO	16	18	20	12	128	274	+258
MT	10,896	11,127	10,814	11,402	11,432	12,294	+1,398
NE	1,982	1,954	1,938	2,065	2,109	2,322	+340
NV	2,965	3,082	3,280	3,195	3,330	3,514	+549
NH	0	0	0	0	0	0	0
NJ	345	345	327	343	363	393	+48
NM	28,012	28,225	28,873	29,110	36,860	39,131	+11,119
NY	4,498	4,528	4,418	4,579	4,374	4,462	-36
NC	16,461	16,391	17,095	17,049	16,720	16,752	+291
ND	5,639	6,117	6,291	6,419	7,612	7,874	+2,235
OH	285	322	295	326	310	241	-44
OK	69,982	67,336	67,022	67,316	72,145	76,138	+6,156

ST	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92	# CHANGE FY 87-92
OR	5,263	5,423	5,506	5,673	6,310	6,637	+1,374
PA	0	0	0	0	0	0	0
RI	212	207	195	202	212	204	-8
SC	0	0	0	0	0	0	0
SD	10,922	10,640	10,753	10,745	14,733	15,373	+4,451
TN	0	33	28	34	0	44	+44
TX	594	674	790	834	912	862	+268
UT	5,424	5,064	4,918	5,121	5,543	5,300	-124
VT	499	519	514	506	528	552	+53
VA	129	110	110	103	90	89	-40
WA	16,315	16,524	16,408	16,510	17,311	18,192	+1,877
WV	0	0	0	0	0	0	0
WI	7,355	7,247	7,544	7,588	8,028	8,353	+998
WY	1,712	1,806	1,856	1,891	1,932	2,057	+345
42	**320,405**	**324,176**	**348,333**	**333,494**	**368,146**	**384,346**	**+63,941**

Source: Office of Indian Education

INDIAN EDUCATION ACT, SUBPART 1 FORMULA GRANT PROGRAM
LEAs By State, Fiscal Years 1987-92

Table 2

STATE	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
AL	12	12	12	12	13	13
AK	47	48	47	47	48	48
AZ	66	67	65	65	99	106
AR	1	2	2	2	2	3
CA	117	119	111	111	114	117

STATE	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
CO	6	8	8	8	9	10
CT	2	1	1	1	1	1
DE	0	0	0	0	0	0
FL	6	7	7	7	5	6
GA	0	0	0	0	0	0
HI	1	0	0	0	0	0
ID	12	12	11	11	10	9
IL	1	1	1	1	1	1
IN	1	1	1	1	3	1
IA	4	4	4	4	4	4
KS	7	8	8	8	8	8
KY	0	0	0	0	0	0
LA	8	9	8	8	8	8
ME	4	4	4	4	4	4
MD	5	4	4	4	4	4
MA	3	3	3	3	3	4
MI	70	67	65	63	60	62
MN	53	54	53	53	55	60
MS	2	2	2	2	4	4
MO	1	1	1	1	2	5
MT	23	23	22	22	35	36
NE	8	8	8	8	8	11
NV	13	12	12	11	12	12
NH	0	0	0	0	0	0
NJ	3	3	3	3	3	3
NM	28	28	28	27	55	61

STATE	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
NY	16	16	16	16	15	15
NC	23	23	20	20	19	19
ND	23	24	24	23	28	30
OH	2	2	2	2	2	2
OK	313	325	322	317	320	326
OR	22	23	22	22	24	24
PA	0	0	0	0	0	0
RI	1	1	1	1	1	1
SC	0	0	0	0	0	0
SD	37	35	35	34	34	48
TN	0	1	1	1	0	1
TX	4	4	4	4	5	4
UT	14	12	12	12	13	13
VT	1	1	1	1	1	1
VA	2	2	2	2	2	2
WA	76	75	73	73	72	70
WV	0	0	0	0	0	0
WI	42	41	40	40	40	41
WY	6	6	6	6	6	6
TOTAL	**1,086**	**1,099**	**1,072**	**1,061**	**1,163**	**1, 203**

Source: Office of Indian Education, FY 1992 Program Files

FY 92 FORMULA GRANT AMOUNTS
BIA-OPERATED SCHOOLS

Table 3

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. AZ	Casa Blanca Day	255	$ 32,888
2. AZ	Chilchinbeto Day	136	17,540
3. AZ	Chinle Boarding School	550	70,935
4. AZ	Cottonwood Day School	194	25,021
5. AZ	Dennehotso Boarding School	306	39,465
6. AZ	Dilcon Boarding School	456	58,811
7. AZ	Gila Crossing Day	99	12,768
8. AZ	Greasewood/Toyei	350	45,140
9. AZ	Hopi Jr./Sr. High	524	67,581
10. AZ	Hunter's Point Boarding School	115	14,832
11. AZ	John F. Kennedy Day School	174	22,441
12. AZ	Kaibeto Boarding School	337	43,464
13. AZ	Kayenta Boarding School	370	47,720
14. AZ	Kinlichee Boarding School	141	18,185
15. AZ	Low Mountain Boarding	192	24,763
16. AZ	Lukachukai Boarding School	401	51,718
17. AZ	Many Farms High	359	46,301
18. AZ	Moencopi Day School	118	15,219
19. AZ	Navajo Mountain Boarding	128	16,508
20. AZ	Nazlini Boarding School	134	17,282
21. AZ	Pine Springs Boarding	67	8,641
22. AZ	Polacca Day School	144	18,572
23. AZ	Red Lake Day School	282	36,370
24. AZ	Red Rock Day School	225	29,019
25. AZ	Rocky Ridge Boarding School	243	31,340
26. AZ	Salt River Day School	151	19,475
27. AZ	San Simon	317	40,884
28. AZ	Santa Rosa Boarding School	343	44,237
29. AZ	Santa Rosa Ranch School	120	15,477
30. AZ	Seba Dalkai	186	23,989
31. AZ	Second Mesa Day School	219	28,245
32. AZ	Shonto Boarding School	626	80,736
33. AZ	Teecnospos Boarding School	438	56,490
34. AZ	Theodore Roosevelt Boarding	96	12,381
35. AZ	Tohono O'Odham High	199	25,665
36. AZ	Tuba City Boarding School	859	110,787
37. AZ	Wide Ruins Boarding School	186	23,989
ARIZONA SUBTOTAL	37 GRANTEES	10,040	$1,294,879

FY 92 FORMULA GRANT AMOUNTS
BIA-OPERATED SCHOOLS, cont.

Table 3A

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. CA	Sherman Indian High	414	$58,308

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. ND	Dunseith Day School	167	$21,365
2. ND	Standing Rock Community	557	71,260
3. ND	Wahpeton Indian School	275	35,182
NORTH DAKOTA SUBTOTAL	3 GRANTEES	999	$127,805

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. NM	Baca Community School	145	$15,967
2. NM	Beclabito Day School	112	12,333
3. NM	Bread Springs	125	13,765
4. NM	Chichiltah-Jones Boarding	230	25,327
5. NM	Chuska Boarding School	553	60,895
6. NM	Cove Day School	62	6,827
7. NM	Crownpoint Community	434	47,791
8. NM	Crystal	172	18,940
9. NM	DLO'AYAZHI Cmty. School	113	12,443
10. NM	DZILTH-NA-O-DITH-HLE Cmty.	387	42,616
11. NM	Isleta Elementary	219	24,116
12. NM	Jemez Day School	197	21,693
13. NM	Laguna Elementary	427	47,020
14. NM	Lake Valley Navajo	130	14,316
15. NM	Mariano Lake Cmty School	201	22,134
16. NM	NA'NEELZHIIN JI OLTA'	367	40,413
17. NM	Nenahnezad	420	46,249
18. NM	Ojo Encino Day School	200	22,024
19. NM	Pueblo Pintado	263	28,961
20. NM	San Felipe Elementary School	315	34,687
21. NM	San Ildefonso	31	3,414
22. NM	San Juan Day School	43	4,735
23. NM	Sanostee Day School	80	8,809
24. NM	Santa Clara Day School	137	15,086
25. NM	Sky City Community	245	26,979
26. NM	Standing Rock Community	114	12,553
27. NM	Taos Day School	117	12,884

FY 92 FORMULA GRANT AMOUNTS
BIA-OPERATED SCHOOLS, cont.

Table 3B

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
28. NM	Tesuque Day School	50	5,506
29. NM	Toadlena Boarding School	285	31,384
30. NM	TO'HAAJIILEE COMMUNITY	336	37,000
31. NM	Wingate Board of Education	613	67,502
32. NM	Wingate Elementary	492	54,178
33. NM	Zia Day School	90	9,911
NEW MEXICO SUBTOTAL	**33 GRANTEES**	**7,705**	**$848,461**

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. SD	American Horse	176	$ 20,528
2. SD	Flandreau	604	70,448
3. SD	Little Eagle Day School	83	9,681
4. SD	Promise Day School	11	1,283
5. SD	Rock Creek Day School	83	9,681
6. SD	Swift Bird Day School	63	7,348
7. SD	White Horse Day School	38	4,432
SOUTH DAKOTA SUBTOTAL	**9 GRANTEES**	**1,058**	**$123,401**

OTHER STATES

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. OK	Riverside Indian School	319	$35,597
2. OR	Chemawa Indian School	348	60,739
3. UT	Aneth Community	223	19,137
GRAND TOTAL	**79 GRANTEES**	**21,106**	**$2,799,529**

Source: Office of Indian Education Program Files, Fiscal Year 1992

FY 92 FORMULA GRANTEES
INDIAN-OPERATED SCHOOLS

Table 4

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. AZ	Black Mesa School	80	$10,318
2. AZ	Blackwater/Gila River Cmty. Sch.	102	13,155
3. AZ	Cibecue	267	34,436
4. AZ	Havasupi Tribe	89	11,479
5. AZ	Hotevilla-Bacavi	120	15,477
6. AZ	Leupp Boarding School	405	52,234
7. AZ	Little Singer School	78	10,060
8. AZ	Pinon Community School Brd. Inc.	39	5,030
9. AZ	Rock Point Schools	473	61,004
10. AZ	Rough Rock School	508	65,518
11. AZ	Tuba City High School Brd, Inc.	468	60,359
ARIZONA SUBTOTAL - 11 GRANTEES		**2,629**	**$339,070**

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. ID	Coeur D'Alene Tribes	47	$4,580
2. ID	Shoshone-Bannock	102	9,940
IDAHO SUBTOTAL - 2 GRANTEES		**149**	**$14,520**
1. ME	Beatrice Rafferty	132	$23,070
2. ME	Indian Island	114	19,924
3. ME	Indian Township	141	24,643
MAINE SUBTOTAL - 3 GRANTEES		**387**	**$67,637**
1. MN	Circle of Life	135	$21,193
2. MN	Fond Du Lac/Ojibway	169	26,531
3. MN	Leech Lake	570	89,482
4. MN	Nay Ah Shing/Mille Lacs	98	15,385
MINNESOTA SUBTOTAL - 4 GRANTEES		**972**	**$152,591**
1. MT	Busby School	189	$28,672
2. MT	Two Eagle River/Salish Kootenai	106	16,081
MONTANA SUBTOTAL - 2 GRANTEES		**295**	**$44,753**

FY 92 FORMULA GRANTEES
INDIAN-OPERATED SCHOOLS, cont.

Table 4A

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. ND	Devils Lake Sioux Tribal	444	$56,803
2. ND	Ojibwa Indian School	361	46,185
3. ND	United Tribes Technical College	95	12,154
4. ND	White Shield (Contract)	161	20,598
NORTH DAKOTA SUBTOTAL - 4 GRANTEES		**1,061**	**$135,740**

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. NM	Alamo Navajo School	351	$38,651
2. NM	Borrego Pass/Dibe Yazhi	186	20,482
3. NM	Mescalero Elementary School	202	22,244
4. NM	Navajo Preparatory School, Inc.	160	17,619
5. NM	Ramah Navajo/Pine Hill	374	41,184
6. NM	Santa Fe Indian School	565	62,216
7. NM	Shiprock Alternative	265	29,181
NEW MEXICO SUBTOTAL - 7 GRANTEES		**2,103**	**$231,577**

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. NV	Duckwater Shoshone	20	$2,660
2. NV	Pyramid Lake	34	4,521
NEVADA SUBTOTAL - 2 GRANTEES		**54**	**$7,181**

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. SD	Crazy Horse School	327	$38,140
2. SD	Crow Creek	231	26,943
3. SD	Enemy Swim	37	4,316
4. SD	Little Wound School Board	744	86,778
5. SD	Loneman School	258	30,092
6. SD	Marty Indian School Board, Inc.	272	31,725
7. SD	Pierre Indian Learning Center	167	19,478
8. SD	St. Francis/Sicangu Oyate Ho	477	55,636
9. SD	Takini	268	31,259
10. SD	Tiospa Zina Tribal	235	27,410
11. SD	Wounded Knee	225	26,243
SOUTH DAKOTA SUBTOTAL - 11 GRANTEES		**3,241**	**$378,020**

FY 92 FORMULA GRANTEES
INDIAN-OPERATED SCHOOLS, cont.

Table 4B

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. WA	Colville Confed. Paschal Sherman	148	$21,824
2. WA	Lummi Tribe	158	23,298
3. WA	Muckleshoot Indian Tribe	48	7,078
4. WA	Puyallup Tribal	440	64,882
5. WA	Quileute Tribal School Board	45	6,636
6. WA	Wa He Lut Indian School	48	7,078
7. WA	Yakima Tribe	61	8,995
WASHINGTON SUBTOTAL - 7 GRANTEES		**948**	**$139,791**

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. WI	Lac Courte Oreilles Tribe	252	$44,733
2. WI	Menominee Tribal School	200	35,502
3. WI	Oneida Tribe	261	46,331
WISCONSIN SUBTOTAL - 3 GRANTEES		**713**	**$126,566**

ADDITIONAL STATES WITH INDIAN-OPERATED FORMULA PROGRAMS

Table 5

STATE	GRANTEE	STUDENT COUNT	GRANT AMOUNT
1. FL	Ahfachkee	60	$9,255
2. FL	Miccosukee Corp.	78	12,031
3. IA	Sac & Fox Settlement	63	8,947
4. MI	Hannahville Tribal Council	83	14,667
5. MS	Mississippi Band of Choctaw	1,283	119,750
6. NC	Cherokee Central	1,013	136,236
7. OK	Cherokee Nation-Sequoyah H.S.	229	25,554
8. WY	St. Stephens	367	65,245
63 INDIAN-OPERATED SCHOOLS		**15,728**	**$2,029,131**

INDIAN EDUCATION DISCRETIONARY GRANT PROGRAMS
INDIAN EDUCATION ACT - SUBPART 1 PROJECTS, FY 1992

THE DISCRETIONARY PROCESS: Awards made under Subpart 2 and 3 and certain awards under Subpart 1 of the Indian Education Act of 1988 are made at the discretion of the Secretary of Education. The discretionary nature of these awards are based on how well the applicant meets the criteria for the proposed project during the request for proposal period. All incoming applications are screened by field and federal readers during the initial review process. After completion of this stage a slate of proposed awardees is prepared. NACIE reviews the proposed slate to make any final recommendations with respect to their funding. Prior to new awards being made, however, continuation awards are made to those projects in their second or third year based on specific criteria. New first year applications are then awarded with the remaining funds.

ABSOLUTE PRIORITY DESIGNATION FOR FY 92 APPLICATIONS: During fiscal year 1992 an absolute priority designation was assigned to Indian education programs under Planning, Pilot, and Demonstration Projects for Indian Children; and Educational Personnel Development projects. The intent of this action was to focus Federal financial assistance on an identified national need intended to (1) increase the availability and effectiveness of services for children by providing them in an integrated fashion and (2) provide on-site development of teacher and other educational personnel on reservations or rural areas.

Under Planning, Pilot and Demonstration projects, the absolute priority designation required coordination among agencies that provided educational and social services through service integration. Service integration, as defined by this proposed priority, was defined as an approach to improving the lives of at-risk Indian children by bringing together education, health, and social services in a comprehensive system for child and family assessment, service delivery, and follow-up monitoring and evaluation. Under service integration, only those projects that were designed to acheive all of the following objectives: (1) Coordination of educational activities with other entities, such as local educational agencies, or tribesm State educational agencies, or institutions of higher education; (2) Integration of Indian Education Act activities with educational activities supported by State, local, tribal, or other Federal funds; and (3) Integration of school activities with health, social or other family services. Within this absolute priority, each applicant had to address one or more of the following areas: (1) Innovative approaches to keeping students in school until they successfully graduate; (2) Early childhood and family education; or (3) Strengthening instruction in the five core curriculum areas of English, mathematics, science, history, and geography, through strategies that include the development of curriculum and materials that incorporate appropriate aspects of the culture of the Indian children to be served. The proposed

projects were also to address the basis for determining how the materials developed would relate to Indian culture. Because no Demonstration applications met the absolute priority designation, no new awards were made under this category.

In fiscal year 1992 a total of 792 applications were received for discretionary programs under all subparts. Of this number only 204 applications (26%) of the total incoming applications were funded. The following chart illustrates the number of applications submitted during the past five fiscal years and the number funded. As shown, the total number of applications being received for discretionary awards is increasing after falling off during the last two fiscal years.

INDIAN EDUCATION ACT SUBPART APPLICATIONS FUNDED, FY 88-92
Table 6

	(received/funded)				
	FY 88	**FY 89**	**FY 90**	**FY 91**	**FY 92**
Subpart 1					
84.060 Formula Grants to LEAs	1,086	1,099	1,072	1,061	1,163
84.072A Indian-Controlled Schools	42/20	39/22	30/18	19/15	19/18
Subpart 2					
84.061A Educ. Services/Indian Children	112/25	106/26	89/25	74/26	99/25
84.061C Planning	23/1	23/1	16/4	9/2	3/1
84.061D Pilot	32/9	30/9	17/6	20/8	14/8
84.061E Demonstration	30/7	29/7	20/5	9/7	0/4
84.061F EPD-5321(d)	28/7	27/6	11/6	0/6	26/6
84.061F EPD-5322	27/7	27/8	14/8	0/7	29/7
84.087A Fellowships	617/141	678/124	431/128	429/120	602/108
Subpart 3					
84.062A Adult Education	94/26	88/32	70/30	52/28	50/27
TOTAL Received/Funded	**1,066/200**	**959/235**	**698/230**	**560/191**	**792/204**

(Totals do not reflect formula grants funded during each fiscal year. Number of grants funded are not broken out by new and continuations.)

Source: Office of Indian Education Program Files

SUBPART 1, INDIAN CONTROLLED SCHOOLS, CFDA #84.072A

Purpose of Program: The Indian Controlled Schools Enrichment Program is a competitive discretionary program for Indian tribes, organizations and certain Local Educational Agencies (LEAs) that that operate, or plan to establish and operate a school for Indian children located on or geographically near a reservation. Up to ten percent of the appropriations under Subpart 1 are set-aside for this program for grantees to develop and establish supplemental educational enrichment programs. OIE awards an average of 20 grants per year serving approximately 6,000 students at an annual appropriation of approximately $3.5 million. Awards may range from $82,000 to $366,000. Projects can be funded for one to three years. Tables 7 and 8 show the awards made during fiscal year 1992.

INDIAN EDUCATION ACT - SUBPART 1 PROJECTS, FY 1992
INDIAN CONTROLLED SCHOOLS (ICS) - CFDA #84.072A

ICS CONTINUATION PROJECTS

Table 7

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. AZ	Rock Point School	475	90-93	$ 297,796
2. MN	Heart of the Earth	250	91-94	$ 162,708
3. MN	Red School House	140	91-94	$ 230,797
4. MN	Red School House	220	90-93	$ 188,218
5. MS	Mississippi Band/Choctaws	1,249	90-93	$ 337,960
6. MT	Rocky Boy High	112	91-93	$ 129,457
7. ND	Devils Lake Sioux Tribe	400	91-93	$ 200,866
8. ND	Ojibwa Indian School	394	91-93	$ 94,029
9. NM	Alamo Navajo School	340	91-94	$ 34,751
10. NM	Sante Fe Indian School	550	90-93	$ 178,970
11. NV	Duckwater Shoshone Tribe	28	90-93	$ 188,218
12. OK	Cherokee Nation of Okla.	75	90-93	$ 111,855
13. WA	Quileute Tribal Council	42	90-93	$ 227,886
9 States	**13 AWARDS**	**4,275**		**$ 2,383,511**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 1 PROJECTS, FY 1992
INDIAN CONTROLLED SCHOOLS (ICS) - CFDA #84.072A

ICS NEW PROJECTS

Table 8

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. ID	Coeur D'Alene Tribal Sch.	46	92-93	$ 38,299
2. MN	Heart of the Earth	120	92-95	$ 249,290
3. MT	Busby Sch/N Cheyenne Tr.	253	92-95	$ 18,205
4. MT	Two Eagle River School	107	92-93	$ 205,334
5. WI	Lac Courte Oreilles Tribe	200	92-93	$ 150,000
4 States	**5 AWARDS**	**726**		**$ 661,128**

Source: Office of Indian Education Program Files

Supbart 2 - EDUCATIONAL SERVICES FOR INDIAN CHILDREN, CFDA #84.061A

Purpose of Program: The Educational Service program is a competitive discretionary grant program that funds State Educational Agencies (SEAs), LEAs, and Indian tribes, organizations and institutions to develop and to establish educational services that improve educational opportunities for Indian children and for enrichment projects. Grants are also awarded for programs that encourage Indian students to acquire a higher education and to reduce incidence of dropouts among Indian elementary and secondary school students. Such awards are made to consortia of LEAs, Indian tribes or organizations, and institutions of higher educations (IHEs). Funding for an average of 25 projects is awarded each year serving approximately 4,400 students at a total of approximately $4.0 million. Awards may range from $46,000 to $451,000. Projects are funded for one to three years. The following table lists those projects funded during FY 1992.

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
EDUCATIONAL SERVICES FOR INDIAN CHILDREN - CFDA #84.061A

CONTINUATION PROJECTS

Table 9

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. AZ	Rock Point Comm. School	208	91-94	$ 211,555
2. CA	Indian Manpower Consort.	440	91-93	$ 158,083
3. CA	PISCES	90	90-93	$ 157,318
4. CA	PISCES	90	90-93	$ 62,992
5. CA	Soboba Band/Indians	145	91-93	$ 224,621
6. MD	Baltimore Amer. Ind. Ctr.	60	91-94	$ 133,214
7. MD	Fond Du Lac Res/Cloquet	140	91-94	$ 123,203
8. MN	Migizi Communications	200	91-94	$ 209,225
9. MN	Red School House	100	90-93	$ 161,227
10. MN	Red School House	60	90-93	$ 130,402
11. MS	Miss Band of Choctaws	283	90-93	$ 237,148
12. NE	Lincoln Indian Center	75	91-93	$ 123,861
13. NM	Santa Fe Indian School	545	90-93	$ 146,301

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
14. NM	Zuni Parents for Ed/Comm	48	91-94	$ 182,683
15. OK	IKWAI Force	125	90-93	$ 141,335
16. OK	Wyandotte Tribe/OKla.	24	90-93	$ 100,128
17. TN	Native Amer. Ind. Assoc.	38	91-94	$ 143,690
18. UT	Davis Co. Ind. Parents	110	91-94	$ 145,934
19. WA	Tulalip Tribes/Marysville	543	91-94	$ 62,000
20. WA	United Indians/All Tribes	40	90-93	$ 161,657
21. WA	United Indians/All Tribes	320	90-93	$ 185,760
22. WA	United Indians/All Tribes	210	90-93	$ 143,983
23. WI	Red Cliff Band/Lk Superior	500	91-94	$ 230,296
12 States	**23 AWARDS**	**4,390**		**$ 3,576,616**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
EDUCATIONAL SERVICES FOR INDIAN CHILDREN - CFDA #84.061A

NEW PROJECTS

Table 10

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. AZ	Phoenix Indian Center	175	92-95	$ 155,051
2. WY	N. Plains Educ. Found.	710	92-95	$ 190,684
2 States	**2 AWARDS**	**885**		**$ 345,735**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
EDUCATIONAL SERVICES FOR INDIAN CHILDREN - CFDA #84.061A

NEW AND CONTINUATION SUMMARY, FY 92

Table 11

STATES	NUMBER OF AWARDS	# SERVED	GRANT AMOUNT
12	23 Continuation Awards	4,394	$ 3,576,616
2	2 New Awards	885	$ 345,735
14 States	**25 Applications Funded**	**5,279**	**$ 3,922,351**

Source: Office of Indian Education Program Files

Subpart 2 - EDUCATIONAL PERSONNEL DEVELOPMENT (EPD) PROGRAMS CFDA #84.061F Sect. 5321(d)

Purpose of Program: The Educational Personnel Development component consists of two competitive discretionary grants. Section 5321(d) of the EPD program provides funding to prepare persons to serve Indian students as teachers, administrators, teacher aides, social workers, and ancillary educational personnel, and to improve the qualifications of persons serving Indian students in these capacities. Typically under this section of the EPD authority, fellowship programs may be offered which lead to advanced degrees, for institutes and, as part of a continuing program, for seminars, symposia, workshops, and conferences. Such awards are made to Institutes of Higher Education (IHEs) and to State and local education agencies in combination with IHEs. An average of 7 projects are awarded each year at a total of approximately $1 million. Awards may range from $60,000 to $226,000. The following tables are those EPD entities funded under section 5321(d). Project period is up to three years.

Subpart 2 - EDUCATIONAL PERSONNEL DEVELOPMENT (EPD) PROGRAMS CFDA #84.061F, Sect. 5322

Purpose of Program: Section 5322 of the Educational Personnel Development Programs provides funding to prepare individuals specifically to teach or administer special programs designed to meet the special educational needs of Indian people, and to provide in-service training for persons teaching in such programs. Grants are also awarded to IHEs, Indian organizations and Indian tribes with priority given to Indian institutions and organizations. An average of seven projects are awarded each year at a total of

approximately $1 million. Awards may range from $50,000 to $230,000. Project period is up to three years.

ABSOLUTE PRIORITY DESIGNATION FOR FY 92 APPLICATIONS: During fiscal year 1992, an absolute priority designation was assigned to a portion of the Educational Personnel Development (EPD) Projects. Under the absolute priority designation, only projects that targeted "on-site" training to prepare teachers of Indian children were to be considered for funding. Projects that were considered on-site must: (1) lead to a bachelor's degree or above within five years or less, or meet requirements for teacher certification or both; (2) be offered in a reservation or rural community, at least during the school year, in which theb participants, and the schools in which they are likely to be employed, are located; and (3) involve coordination of activities with other entities, such as institutions of higher education, local educational agencies, tribal colleges, or Indian tribes. The following tables show those EPD projects funded under sections 5321 and 5322 a summary table of FY 92 projects.

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
EDUCATIONAL PERSONNEL DEVELOPMENT - CFDA #84.061F

Sect. 5321(d) and 5322
CONTINUATION SUMMARY

Table 12

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. MT	Blackfeet Community Coll.- 5321(d)	115	90-93	$110,160
2. OK	Cross Cultural Educ. Ctr. - 5322	6	90-93	$104,775
2 States	**2 AWARDS - FY 92**	**121**		**$214,935**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
EDUCATIONAL PERSONNEL DEVELOPMENT - CFDA #84.061F
Sect. 5321(d) - Grants Primarily to Institutions of Higher Education

NEW AWARDS

Table 13

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. NE	Nebraska Ind. Comm Coll	10	92-95	$ 208,245
2. OK	Univ. of Oklahoma	20	92-95	$ 177,286
3. MT	Fort Peck Comm College	45	92-95	$ 220,180
4. MT	Univ. of Montana	20	92-95	$ 253,386
3 States	**4 AWARDS - FY 92**	**95**		**$ 859,097**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
EDUCATIONAL PERSONNEL DEVELOPMENT - CFDA #84.061F
Sect. 5322 - Grants Primarily to Indian Tribes/Indian Organizations

NEW AWARDS

Table 14

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. AZ	Navajo Nation	100	92-95	$ 128,117
2. OK	Amer. Indian Rsrch/Dev.	30	92-95	$ 237,492
3. OK	Cross Cult. Educ. Ctr.	10	92-95	$ 155,568
4. MS	Mississippi Band/Choctaws	25	92-95	$ 173,454
5. NM	Ramah Navajo Sch. Brd.	17	92-95	$ 48,020
6. WI	Menominee Indian Tribe	24	92-95	$ 236,427
5 States	**6 AWARDS - FY 92**	**206**		**$ 979,078**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
EDUCATIONAL PERSONNEL DEVELOPMENT PROJECTS - CFDA #84.061F

SECTION 5321(d) and 5322 SUMMARY

Table 15

SECT.	NUMBER OF AWARDS	# SERVED	GRANT AMOUNT
5321(D)	4 Higher Education Inst. 5321(d)	105	$ 859,097
5322	6 Indian Tribes/Organizations 5322	206	$ 979,078
Totals	**10 Applications Funded**	311	**$ 1,838,175**

Source: Office of Indian Education Program Files

Subpart 2 - PLANNING, CFDA #84.061C *(funded for one year only)*
PILOT, CFDA #84.061D
DEMONSTRATION, CFDA #84.061E

Purpose of Programs: The Planning, Pilot and Demonstration (PPD) program is a competitive discretionary grant program that funds projects to plan or test, and demonstrate the effectiveness of educational approaches that improve educational opportunities for Indian students at the elementary and secondary levels. Awards are made to State education agencies (SEAs), LEAs, Indian tribes, organizations and institutions, and Federally supported elementary and secondary schools for Indian children. OIE funds an average of 16 projects a year totalling about $1.9 million. Awards may range from $70,000 to $185,000. The following tables show the new and continuation projects awarded under Planning, Pilot, and Demonstration categories during fiscal year 1992. Planning grants are awarded for one year only. Pilot and Demonstration projects can be funded for up to three years. During FY 1992, no demonstration grants were awarded due to insufficient funds.

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
PILOT (CFDA #84.061D)

PILOT
CONTINUATION PROJECTS

Table 16

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. OK	Amer. Indian Rsrch/Dev	220	91-94	$ 141,702
2. OK	Cherokee Nation/Okla	6,000	91-94	$ 89,386
3. MN	Upper Md-West Am Ind	75	91-94	$ 152,648
4. NM	Natl. Ind. Youth Leader	80	91-94	$ 137,197
3 States	**4 AWARDS - FY 92**	**6,375**		**$ 520,933**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
DEMONSTRATION PROJECTS (CFDA #84.061E)

DEMONSTRATION
CONTINUATION PROJECTS

Table 17

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. AZ	Rock Point School, Inc	283	90-93	$ 191,682
2. CO	Denver Indian Center	269	90-93	$ 182,157
3. MN	Red School House, Inc.	110	91-93	$ 113,513
4. OK	Parents/Acad-Cult Enrch	31	91-94	$ 98,530
4 States	**4 AWARDS - FY 92**	**693**		**$ 585,882**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
PILOT PROJECTS (CFDA #84.061D)

PILOT
NEW PROJECTS

Table 18

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. AZ	Pascua Yaqui Tribe	NA	92-95	$ 164,481
2. CA	Torres-Martinez Desert	60	92-95	$ 105,524
3. DC	ORBIS	NA	92-95	$ 179,023
4. WA	S. Puget Intertribal	NA	92-95	$ 93,312
4 States	**4 AWARDS - FY 92**	**60**		**$ 542,340**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 PROJECTS, FY 1992
PLANNING (CFDA #84.061C)

PLANNING
NEW PROJECTS

Table 19

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. OR	Am. Ind. Assoc/Portland	20	92-93	$ 126,896
1 State	**1 AWARD - FY 92**	**20**		**$ 126,896**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 2 FELLOWSHIP PROGRAM, CFDA #087A
FELLOWSHIP RECIPIENTS, FY 1992

Purpose of Program: The Indian Fellowship Program provides fellowships to Indian U.S. citizens who are full-time undergraduate or graduate students at an accredited Institution of Higher Education (IHE). Eligible fields of study are ten graduate programs leading to a degree in medicine, psychology, clinical psychology, law, education, or a related field and 2) undergraduate or graduate programs leading to a degree in engineering, business administration, natural resources or a related field. OIE awards an average of 125 fellowships per year at an appropriation level of approximately $1.6 million. Individual awards may range from approximately $1,200 to $32,000. The following is a list of new and continuing fellowship recipients during fiscal year 1992.

INDIAN EDUCATION ACT - SUBPART 2 FELLOWSHIPS, FY 1992
INDIAN FELLOWSHIP PROGRAM (CFDA #087A)

1992 FELLOWSHIP RECIPIENTS

Table 20

STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
Brooks, Brian	Lumbee	Univ of North Carolina	NC	Cont	Law/JD	$2,504
Chavez, Timothy	Acoma Pueblo	New Mexico Tech	NM	Cont	Engineering/BS	$3,130
Robinson, Walisi	OK Cherokee	University of Arkansas	AR	Cont	Natural Resources/BS	$3,378
LaClair, Rachael	Potawatomi	Fort Lewis College	CO	New	Business Adm/BBA	$4,100
Birkeland, Vicki	Cheyenne Sioux	Univ. of South Dakota	SD	Cont	Psychology/Ed.D	$4,429
Ortega, Michelle	Echota Cherokee	Spring Hill College	AL	Cont	Natural Resources/BS	$4,643
Lovato, Cindy	San Juan Pueblo	University of New Mexico	NM	Cont	Law/JD	$4,698
Vallie, Rose	Chippewa	University of Utah	UT	Cont	Law/JD	$4,874
Morrison, Rozella	OK Cherokee	Northeastern State Univ	OK	New	Business Adm/BA	$5,205
Harris, William	Shoshoni	Univ. of Wyoming	WY	Cont	Bus Admin/MS	$5,294

STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
D'Artagnan, Julie	Saginaw Chippewa	Western Michigan Univ	MI	New	Bus Admin/MA	$5,460
Smith, Daphne	Echota Cherokee	Univ. of No. Alabama	AL	Cont	Natural Resources/BS	$5,901
Sing, Dawn	Siss-Wahp Sioux	Univ. of South Dakota	SD	Cont	Bus Admin/BS	$7,012
Young, Leilus	Echota Cherokee	South Methodist Univ	TX	Cont	Engineering/BS	$7,178
Jacks, Thomas	Osage	Auburn University	AL	Cont	Engineering/BS	$7,338
Berry, Douglas	Cherokee	University of Arkansas	AR	New	Engineering/BS	$7,358
Bass, Christopher	Muscogee Creek	Univ. of Oklahoma	OK	Cont	Engineering/BS	$7,525
Judd, John	Kiowa	University of Oklahoma	OK	Cont	Engineering/BS	$7,525
Webb, Stanley	Cherokee	Harvard University	MA	New	Bus Adm/MPA	$7,809
Ballew, Reva	Eastern Band Cherokee	Univ. of Tennessee	TN	Cont	Clinical Psy./Ph.D	$7,949
Ammon, Daniel	Hoopa	Humboldt State Univ.	CA	New	Education	$8,050
Dukes, Holly	Echota Cherokee	University of Alabama	AL	Cont	Business Admin/BS	$8,060
Zachary, Fred	OK Cherokee	Oklahoma St University	OK	Cont	Engineering/BS	$8,516
Oyler, Jeffery	OK Cherokee	Univ of South Alabama	AL	Cont	Medicine/MD	$8,615

STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
Bendall, Tressa	Echota Cherokee	Univ. of Alabama	AL	Cont	Business Adm/MAS	$8,850
Goss, Melanie	Blackfeet	University of Montana	MT	New	Bus Adm/MPA	$8,855
Shelton, Candace	Osage	Univ. of Arizona	AZ	Cont	Psychology/Ph.D	$8,961
Villegas, Selso	Tohono O'odham	University of Arizona	AZ	New	Natural Res/MS	$8,961
Hobson, Barbara	Commanche	University of Oklahoma	OK	Cont	Education/PhD	$9,007
Mayfield, Steve	Chickasaw	Mountain View College	TX	New	Engineering/BS	$9,316
Hofland, Bonnie	Blackfeet/Cree	Eastern Montana College	MT	Cont	Education/MA	$9,570
Maidt, Patricia	Chickasaw	University of Arkansas	AR	New	Law/JD	$9,952
Pond, Diane	Assiniboine Sioux	Stanford University	CA	Cont	Medicine/MD	$9,963
Tecumseh, Ramona	Winnebago	Arizona State	AZ	Cont	Education/PhD	$10,030
Vizenor, Erma	White Earth Chippewa	Harvard University	MA	Cont	Education/EdD	$10,156
Williams, Lisa	Lumbee	Univ. of North Carolina	NC	New	Medicine/MD	$10,190
Leslie, Wendyl	Choctaw	Houston Baptist Univ	TX	New	Bus. Adm/MBA	$10,324
Graves, John	Cherokee	Evergreen State College	WA	New	Natural Res/BS	$10,386

STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
Clausen, Kimmie	Oglala Sioux	University of Wyoming	WY	New	Natural Res/BA	$10,786
Stone, Joseph	Blackfeet	Utah State University	UT	Cont	Psychology/Ph.D	$10,846
Christiansen, Patrick	Creek	University of Arkansas	AR	New	Clinical Psy/Ph.D	$10,942
Larson, Byron	No. Cheyenne	Univ. of Washington	WA	New	Bus Adm/MSA	$11,058
Holloman, Michael	Colville	Washington St Univ	WA	Cont	Education/MA	$11,129
Ramirez, Renya	Winnebago	Stanford University	CA	New	Education/Ph.D.	$11,196
Reeder, Jonathon	Kiowa-Wichita	UCLA	CA	Cont	Education/PhD	$11,286
Unger, Ronald	Aleut	Georgia Inst. of Tech.	GA	New	Engineering/BS	$11,807
Corn, Ronald	Menominee	Univ of Wis/Stevens Pt	WI	Cont	Natural Resources/BS	$11,940
Dunning, Dolores	Aleut	Harvard University	MA	New	Education/Ed.D.	$12,005
Pierre, Debra	Salish/Kootenni	University of Montana	MT	New	Law/JD	$12,580
Dearoff, Victoria	Lummi	City Univ of Bellingham	WA	Cont	Business Adm/MBA	$12,591
LaRocque, Brent	Chippewa	Univ. of North Dakota	ND	New	Bus Adm/MPA	$12,900
Hembree, Lynna	Cherokee	University of Arkansas	AR	New	Education/Ed.D	$12,928

STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
Thornton, Matthew	OK Cherokee	University of Missouri	MO	Cont	Law/JD	$13,124
Anderson, Jessiline	Omaha	Utah State University	UT	Cont	Clinical Psy/Ph.D	$13,182
McGuiness, Melissa	Echota Cherokee	University of Alabama	AL	Cont	Medicine/MD	$13,425
Morrison, Yvette	Chickasaw	Univ. of Oklahoma	OK	New	Medicine/Ph.D	$13,668
Rodgers, Matthew	Oneida	Clarkson University	NY	New	Engineering/BS	$13,900
Risenhoover, Angela	Cherokee	University of Tulsa	OK	New	Law/JD	$13,905
Skaflestad, Gwen	Tlinget Haida	Lewis & Clark College	OR	Cont	Psychology/MA	$14,050
Schultheis, Dennie	Chinook/Puyallup	University of California	CA	Cont	Medicine/MD	$14,416
O'Gorman, Ann	Winnebago	Arizona State	AZ	Cont	Law/JD	$14,446
Crane, Marcus	Lummi	Maharishi Int'l Univ.	IA	New	Business Adm/MBA	$14,542
Collins, Kenneth	Echota Cherokee	University of Alabama	AL	Cont	Medicine/MD	$15,010
Dial, Brian	Lumbee	Campbell University	NC	Cont	Medicine/PharmDr	$15,216
Hancock, Jacqueline	Echota Cherokee	University of Alabama	AL	Cont	Medicine/MD	$15,238
Watts, Shannon	Choctaw	U of Texas/SW Med Sch	TX	Cont	Medicine/MD	$15,380

STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
Young, Valerie	*Echota Cherokee*	*Yale University*	*CT*	*New*	*Law/JD*	*$15,510*
Baldridge, Kirsten	Cherokee	Univ. of Massachusetts	MA	New	Education/M.Ed.	$15,670
Smith, Allison	Seneca	Rochester Inst. of Tech.	NY	Cont	Engineering/BS	$16,312
Littleton, Malissa	Osage	University of Tulsa	OK	Cont	Bus Admin/BS	$16,930
Reimer, Catherine	Aleut	George Washington Univ	DC	Cont	Education/PhD	$17,375
Fraelich, Timothy	Chippewa	Cornell Law School	NY	Cont	Law/JD	$17,460
O'Carroll, Deborah	Aleut	Antioch University	WA	New	Psychology/MA	$17,640
Soap, Laura	Kickapoo	U of Wisconsin-Madison	WI	New	Law/JD	$17,785
Lee, Tiffany	Navajo	Stanford University	CA	New	Education/PhD	$18,534
James, Thomas	Echota Cherokee	Illinois Inst of Tech	IL	Cont	Engineering/BS	$18,750
Fogleman, Amelia	OK Cherokee	Univ. of Virginia	VA	Cont	Law/JD	$18,988
Doucet, Randy	Coushotta	Univ of Puget Sound	WA	Cont	Law/JD	$19,267
Cross, Kyle	Tuscarora	Harvard School	MA	New	Education/Ed.D	$19,329
Pearce, Rebecca	Nansemond	Biola University	CA	Cont	Clinical Psy/Ph.D	$19,714

STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
Giroux, Jennifer	Rosebud Sioux	Univ. of South Dakota	SD	Cont	Medicine/MD	$19,715
Hammonds, Chad	Lumbee	Wake Forest University	NC	Cont	Law/JD	$20,150
Pullin, Maureen	Chippewa Cree	Gonzaga University	WA	New	Law/JD	$21,230
McLogan, Patrick	Shoshone/Paiute	CA School of Psychology	CA	Cont	Clinical Psy/Ph.D	$21,720
Quick, Jason	OK Cherokee	Mass Inst of Technology	MA	Cont	Business Admin/MBA	$21,750
Lowry, Garnett	Lumbee	Emory University	GA	Cont	Natural Resource/BS	$22,262
Randall, Juliet	Chippewa	American Grad School	AZ	Cont	Bus Admin/MBA	$22,305
Dixon, Alicia	Lumbee	University of Miami	FL	New	Business Adm/BA	$22,325
Larson, Matilda	Nome Eskimo	Dartmouth College	NH	New	Engineering/BA	$23,250
Vainio, Arne	Chippewa	University of Minnesota	MN	Cont	Medicine/MD	$23,534
Selwyn, Calvin	Yankton Sioux	University of Minnesota	MN	Cont	Medicine/MD	$23,645
Portman, Michelle	Cherokee	Columbia University	NY	New	Engineering/MA	$24,390
Morgan, Lance	Winnebago	Harvard Law School	MA	Cont	Law/JD	$24,423
Sequist, Thomas	Taos Pueblo	Cornell University	NY	New	Engineering/BS	$24,432

STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
Chouteau, Christine	OK Creek	Dartmouth College	NH	Cont	Natural Resources/BS	$24,528
Rutherford, Paris	Eastern Band Cherokee	Harvard University	MA	Cont	Engineering/MA	$25,070
Brewington, James	Lumbee	Mass Inst of Technology	MA	Cont	Engineering/BS	$25,405
Falcone, Deborah	Onondaga	Stanford Universty	CA	Cont	Engineering/Ph.D	$25,431
Washburn, Kevin	Chickasaw	Yale Law School	CT	New	Law/JD	$26,230
Garrow, Carrie	Mohawk	Stanford Law School	CA	Cont	Law/JD	$26,244
Hampson, Colin	Winnebago	Stanford University	CA	Cont	Law/JD	$26,244
Brown, John	Chickasaw	University of Michigan	MI	Cont	Law/JD	$26,580
Seneca, Mark	Seneca	Stanford University	CA	Cont	Law/JD/MBA	$26,792
Hogner, Lindon	OK Cherokee	Harvard University	MA	Cont	Bus Adm/JD/MBA	$28,584
Plumage, Darrell	Assiniboine Sioux	Univ. of North Dakota	ND	New	Medicine/MD	$32,010
Smith, Rhonda	Shoshoni	Dartmouth College	NH	Cont	Medicine/MD	$32,155
Chee, Vernon	Navajo	Georgetown University	DC	Cont	Medicine/MD	$32,193
Warne, Donald	Oglala Sioux	Stanford University	CA	Cont	Medicine/MD	$39,281

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STUDENT	TRIBE	NAME OF SCHOOL	STATE	STATUS	FIELD OF STUDY	AWARD
# AWARDS: 108						$1,605,710
Range of Awards: $2,504 to $39,281						
Average Award Amount: $14,867.69						

Source: Office of Indian Education Program Files

FELLOWSHIP FACTS

Total Dollars for Fellowships, FY 1992:	$ 1,605,710
Average Fellowship Amount:	$ 14,867.69
Maximum Award Amount:	$ 39,281.00
Minimum Award Amount:	$ 2,504.00
Number of Awards:	108
New Awards:	39
Continuations:	69
Tribes Represented:	47

FIELDS of STUDY PURSUED & # of STUDENTS:

Law	(21)	Education	(14)
Bus. Admin	(19)	Nat. Resources	(9)
Engineering	(18)	Clinical Psych	(5)
Medicine	(17)	Psychology	(5)

TOP NINE TRIBES REPRESENTED		# FUNDED
1.	Cherokee	15
2.	Echota Cherokee	10
3.	Chippewa	8
4.	Lumbee	8
5.	Aleut	4
6.	Blackfeet	3
7.	Creek	3
8.	Osage	3
9.	Shoshone	3

Subpart 3 - EDUCATIONAL SERVICES FOR INDIAN ADULTS, CFDA #84.062A

Purpose of Program: Educational Services Program is a competitive discretionary grant program for Indian tribes, organizations and institutions to support programs that improve educational opportunities for adult Indians. OIE funds an average of 32 adult education grants a year at an appropriation level of approximately $4.2 million. Awards may range from $28,000 to $307,000. Project period is from one to three years.

INDIAN EDUCATION ACT - SUBPART 3 PROJECTS, FY 1992
EDUCATIONAL SERVICE FOR INDIAN ADULTS (CFDA #84.062A)

CONTINUATION PROJECTS

Table 21

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. AZ	Cocopah Indian Tribe	60	91-94	$ 135,156
2. AZ	Salt River Pima-Maricopa	300	91-94	$ 118,519
3. FL	Miccosukee Tribe/Indians	60	91-94	$ 290,612
4. MI	Grand Traverse Band/Ind	124	90-93	$ 144,508
5. MI	Saginaw Chippewa Tribe	80	91-93	$ 71,536
6. MN	Migizi Communications	600	90-93	$ 242,615
7. MT	Dull Knife Mem College	120	91-93	$ 176,695
8. MT	Ft. Belknap Comm Cncl	500	90-93	$ 149,196
9. MT	Little Big Horn Coll	150	90-93	$ 157,419
10. MT	Salish Kootenai College	125	91-94	$ 201,312
11. MT	Stone Child College	450	90-93	$ 132,947
12. MS	Miss. Band/Choctaws	250	91-94	$ 279,343
13. NC	Lumbee Reg. Devel. Assoc	165	91-94	$ 179,087
14. ND	Standing Rock College	200	91-94	$ 143,738
15. ND	Turtle Mt. Comm Coll	195	91-94	$ 120,720
16. NE	Indian Center, Inc.	300	91-93	$ 163,116
17. NY	Seneca Nation of Indians	300	90-93	$ 42,201

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
18. OK	Inter-Tribal Cncl., Inc.	330	90-93	$ 121,598
19. WA	Nisqually Indian Tribe	216	91-94	$ 166,385
20. WA	United Inds./All Tribes	200	90-93	$ 199,483
12 States	**20 AWARDS - FY 92**	**4,725**		**$ 3,236,186**

Source: Office of Indian Education Program Files

INDIAN EDUCATION ACT - SUBPART 3 PROJECTS, FY 1992
EDUCATIONAL SERVICE FOR INDIAN ADULTS (CFDA #84.062A)

NEW PROJECTS

Table 22

STATE	ORGANIZATION	# SERVED	YRS FUNDED	GRANT AMOUNT
1. AZ	Nat. Amer./Comm. Action	115	92-94	$ 197,847
2. CO	Denver Indian Ctr.	165	92-95	$ 220,808
3. MT	Blackfeet Tribal Bus Cncl	75	92-93	$ 138,610
4. NM	Alamo Navajo Sch Brd	75	92-95	$ 96,441
5. NV	Las Vegas Indian Ctr	140	92-95	$ 104,456
6. WA	Seattle Indian Center	125	92-94	$ 137,224
7. WA	S. Puget Intertribal	325	92-95	$ 184,488
6 States	**7 AWARDS - FY 92**	**1,020**		**$ 1,079,874**

Source: Office of Indian Education Program Files

EDUCATIONAL SERVICE FOR INDIAN ADULTS (CFDA #84.062A)
NEW and CONTINUING PROJECTS, FY 1992

Table 23

STATE	CATEGORY	# SERVED	GRANT AMOUNT
12 States	20 Continuations	4,725	$ 3,236,186
6 States	7 New Projects	1,020	$ 1,079,874
14 States	**22 AWARDS - FY 92**	**5,745**	**$ 4,316,060**

Source: Office of Indian Education Program Files

PART 6

AMERICAN INDIANS IN HIGHER EDUCATION

AMERICAN INDIANS IN HIGHER EDUCATION

by: D. Michael Pavel

The following executive summary and article were written expressly for the NACIE 19th Annual Report. While the latest annual reports have contained data identifying the number of American Indians and Alaska Natives in higher education, it has been difficult to determine the accuracy of the information. This is due to the following reasons: sampling methods employed when surveying nationally; determining who is an Indian based on self-identification; and limited reporting by postsecondary institutions on student demographic data. The following article looks at the authors' experience in depicting the current status of American Indians in higher education.

Executive Summary

National data on American Indians are suspect considering the widespread incidence of ethnic fraud on college and university campuses due to the temptation to self-identify as American Indian to gain admission, receive financial aid, and/or be hired. Despite this dilemma, researchers attempting to present a statistical profile of American Indians in higher education must rely on the "best" data currently available. Given this situation, even the best case scenario may be worst than reported.

These data suggest that the American Indian population has grown by 38 percent from 1980 to 1990. The vast majority (380,000) of the elementary and secondary students attend public schools with over 74 percent concentrated in ten states. American Indians are found to be more "at risk" than other racial or ethnic minorities. The number of high school graduates dropped between 1988-89 and 1990-91 with dropout estimates varying from 36 to 50 percent.

Although postsecondary enrollment has increased, American Indians constitute only 0.8 percent of the total enrollment. Much of the increase can be attributed to public two-year institutions, tribal colleges, part-time enrollment, and an increase in female participants. Ten states accounted for 62 percent of the undergraduate and graduate enrollment in 1990 with 20 percent of the total being in California institutions.

In 1990, American Indians received 0.8 percent of the associate degrees, 0.4 of the bachelor's, master's and first professional degrees, and 0.2 percent of all doctorate degrees. Examined by gender, women earned the majority of the associates, bachelor's, and master's degrees while men earned the majority of the professional and doctorate degrees. Women were more likely to seek degrees in education while men pursued business and engineering degrees at the undergraduate and graduate level.

Equity indicators for enrollment and graduation in states with a large proportion of American Indians in relation to the total state population suggests that four-year colleges and universities are doing a mediocre job at admitting and graduating undergraduate American Indian students.

A majority of the American Indians receive no financial aid from any source. The primary source for those receiving aid is the federal government. Awards by the BIA have decreased from 15,200 receiving an average of $1,800 in 1987 to 13,700 receiving an average of $1,680. There is waiting list of 66,500 for the BIA financial aid program.

The percentage of American Indians receiving Ph.D.'s that had at least one parent having some college education rose from 39 percent in 1979 to 54 percent in 1990. Still 20 percent indicated that they had not graduated from high school. Most received their degrees at Oklahoma State University, University of Oklahoma, University of Washington, and Michigan State University. Academe hired most of those receiving Ph.D.'s, although, only 0.4 percent of all doctor's were employed in higher education. The majority are in non-faculty and non-management positions outside the university/college setting. Tribal colleges, in addition to increasing the number of American Indian students in higher education, were also responsible for hiring a significant number of the American Indian faculty and administrators.

AMERICAN INDIANS IN HIGHER EDUCATION

Several recent documents published by the American Council on Education provide an informative overview of American Indians in Higher Education (O'Brien, 1992; Carter & Wilson, 1993). Both documents cover similar areas: pre-college indicators, postsecondary enrollment, and degrees conferred by field. However, O'Brien's (1992) brief focuses specifically on American Indians while providing additional information about demographic trends, tribal colleges, demographic profiles of Ph.D.'s, and employment in higher education. On the other hand, Carter and Wilson's report (1993) provides an in depth statistical profile of minorities in higher education with more current data in presenting state trends. This summary follows the O'Brien format but has incorporated the data presented in the Carter and Wilson report where an overlap occurs. Other findings on undergraduate enrollment and graduation were incorporated from a study by Richardson and Pavel (1992). All of these findings are first qualified by concerns about ethnic fraud expressed by *The Association of American Indian and Alaska Native Professors* and researchers examining issues related to American Indians in higher education.

Ethnic Fraud

Much of what we know about American Indians in higher education could be misleading due to the increase of ethnic fraud encouraged by self-identification in the college application and employment application process. The vast majority of higher education institutions do not require additional documentation beyond simply checking a box that is typically labeled "Native American". Studies that attempt to determine tribal membership probably provide better evidence of American Indians who have been traditionally undeserved by postsecondary institutions than do national figures ". . .which typically include many self-identified [American Indians] whose higher education participation and achievement rates are indistinguishable from the white population because of similar residential patterns and K-12 educational experiences" (Richardson and Pavel, 1992, p. 156).

"The gross category of 'American Indian and Alaska Native' needs to be followed by more precise measures that may include tribal affiliation, degree of ancestry, and tribal enrollment status. Also of concern is the need to explore linkages to Native communities that might distinguish respondents from more traditional backgrounds or those maintaining their cultural heritage in urban settings who face additional obstacles while growing up. Although such survey items [that could be used in existing federal forms documenting college enrollment and graduation trends] are not a panacea for better identifying 'Indians' who been historically underrepresented in mainstream higher education, such items are needed to better distinguish American Indians and Alaska

Natives from those who simply want to identify as American Indian or Alaska Native because of some romantic or other misconceived notion" such as perceiving being Indian will increase the likelihood of gaining admission, getting financial aid, and/or being hired (Pavel and Padilla, 1993, p. 18).

In response, The Association of American Indian and Alaska Native Professors (1993) submitted the following statement to be distributed for publication.

- We the Association of American Indian and Alaska Native Professors, hereby establish and present our position on ethnic fraud and offer recommendations to ensure the accuracy of American Indian/Alaska Native identification in American colleges and universities. This statement is developed over concern about racial exploitation of American Indians and Alaska Natives in American colleges and universities.

- We think it is necessary to establish our position on ethnic fraud because of the documented incidents of abuse. This statement is intended to assist universities in their efforts to develop culturally diverse campus communities. The implications of this statement are threefold: (1) to assist in the selection process that encourages diversity among students, staff, faculty, and administration; (2) to uphold the integrity of institutions and enhance their credibility with American Indian/Alaska Native Nations/Tribes; and (3) to recognize the importance of American Indian/Alaska Native Nations/Tribes in upholding their sovereign and legal rights as nations to determine membership.

- The following prioritized recommendations are intended to affirm and ensure American Indian/Alaska Native identity in the hiring process. We are asking that colleges and universities:

    1. Require documentation of enrollment in a state or federally recognized nation/tribe with preference given to those who meet this criterion;

    2. Establish a case-by-case review process for those unable to meet the first criterion;

    3. Include American Indian/Alaska Native faculty in the selection process;

    4. Require a statement from the applicant that demonstrates past and future commitment to American Indian/Alaska Native concerns;

    5. Require higher education administrators to attend workshops on tribal sovereignty and meet with local tribal officials; and

6. Advertise vacancies at all levels on a broad scale and in tribal publications.

At this time, few college and universities take into account these or similar recommendations. However, the national data on American Indians that are currently available serve to generate the following discussion.

Demographic Trends

The estimated American Indian population increased 38 percent from 1980 to 1990 to 1.9 million (0.8 percent of total U.S. population) compared to a 9 percent increase for the total U.S. population. Sixty percent of the American Indian population is concentrated in ten states: Oklahoma, California, Arizona, New Mexico, Alaska, Washington, North Carolina, Texas, New York, and Michigan. Twenty-two percent live on reservations in 1990, down from 25 percent in 1980. The median age reported was 23.5 years compared to the overall national median age of 30.0.

Pre-College Indicators & High School Completion Rates

Eight-five to ninety percent of approximately 380,000 American Indian elementary and secondary students attended public schools in 1989, while the rest attended BIA, Indian contract, and private schools. Although American Indian students represent one percent of the national public school enrollment, Alaska, Oklahoma, and New Mexico had at least nine percent public school enrollment. Moreover, 74 percent of the students attended public schools in ten states: Oklahoma, Arizona, California, New Mexico, Alaska, Washington, North Carolina, Michigan, Minnesota, and Wisconsin.

Among a national study of eight graders, American Indian were found to be more "at risk" than any other racial or ethnic group ranking at or near the top in every measure: 31 percent lived in single parent households, 42 percent had reported family income of less than $15,000, nearly 30 percent repeated a year of school, and almost a third performed below basic proficiency levels in mathematics and reading. When compared to other racial or ethnic groups, American Indians were the least likely among the other ethnic and racial groups to plan on taking a college preparatory program in high school, expect to finish college, and plan to attend graduate school.

The number of public high school American Indian graduates dropped from 18,010 in 1988-89 to 17,080 in 1990-91; half of the graduates in 1988-89 were from the western states. In 1990, 66 percent of those 25 and over had completed four or more years of high school, up from 56 percent in 1980; the largest percentage resided in the Pacific region (70 percent), Northeast and Midwest (66 to 68 percent), and Mountain

states had the lowest (59 percent). High school dropout rate estimates vary from 36 percent to around 50 percent overall, depending on the location and source of data.

Postsecondary Enrollment and Trends

Overall postsecondary enrollment among American Indians increased by 11 percent from 93,000 in 1980 to 103,000 in 1990 while proportional enrollment of all students remained at less than 0.8 percent. From 1990-91, enrollments increased by 10.7 percent to 114,000 (but still remained at 0.8 percent of total enrollment). During the same period, undergraduate and graduate student enrollment increased by 11.6 percent and 16.7 percent, respectively. Similar rates of increases were experienced by men and women (around 11 percent). Enrollment in professional institutions were unchanged. Much of the increase could be accounted for by public institutions, tribal colleges, increased part-time enrollment, and women.

Nearly 90 percent of the American Indian college students attended public institutions during 1990, with 53 percent enrolled in two-year institutions. In 1991, tribal college enrollment accounted for approximately 14 percent of all American Indian students. Part-time enrollment increased from 38 percent in 1976 to 47 percent in 1990. American Indian women enrollment increased from 45 percent in 1980 to 58 percent in 1990. From 1988 to 1990, both men (10 percent or from 39,000 to 43,000) and women (13 percent or from 53,000 to 60,000) experienced significant increases in undergraduate enrollment. Graduate student enrollment increased 54 percent (3,800 to around 6,000) from 1976 to 1990. First-time enrollment in professional programs fluctuated over a recent five year period, increasing from 192 in 1985, 248 in 1986, to a high of 304 in 1988 and then began decreasing in 1989 to 264, and again decreased to 257 in 1990.

Similar to population figures, ten states accounted for 62 percent of the undergraduate and graduate student enrollment in 1990; one in five (21,301) attended institutions in California. During the 1980s, figures for American Indians indicated that nearly 75 percent enrolled in 79 institutions, only seven four-year institutions had enrollment larger than 500, and 35 percent of the 3,000 plus institutions in the United States had zero American Indian enrollment. One study indicated that over half of the students dropped out during the first year and 75 percent never completed their degree program. Another study found that only 29 percent of first-time full-time American Indian freshman graduated over a six year period from 1984 to 1990 compared to 56 percent of whites and 62 percent of the Asians.

Table 24 provides ranking of enrollment in two-year and four-year institutions compared with graduate and professional enrollment by state for 1990. Many states performed well in multiple categories. Only four states (California, Michigan, Oklahoma, and Texas) ranked within the top ten in all categories of enrollment; California was number one in all four categories. Arizona, New Mexico and North

Carolina ranked high for two-year, four-year and graduate student enrollment. New York ranked high for four-year, graduate, and professional enrollment. Illinois had high rankings in graduate and professional enrollment while Washington ranked high in two-year and professional enrollment.

Table 24

Ranking of Enrollment in Two-Year and Four-Year Institutions Compared with Graduate and Professional Enrollment by State for 1990

	ENROLLMENT & RANK BY INSTITUTION TYPE				ENROLLMENT & RANK BY GRADUATE/PROFESSIONAL			
STATE	2-YEAR	RANK	4-YEAR	RANK	GRAD	RANK	PROF	RANK
Alabama	243	31	350	32	38	32	12	25
Alaska	59	46	2,589	3	21	45	0	49
Arizona	6,610	2	2,223	4	307	4	34	12
Arkansas	133	39	305	34	31	39	6	35
California	15,139	1	6,162	1	1,117	1	183	1
Colorado	953	15	1,362	11	193	7	25	20
Connecticut	132	40	300	36	45	30	10	27
DC	0	51	266	39	121	17	18	22
Delaware	44	47	55	51	5	51	0	51
Florida	1,333	12	610	24	122	15	26	19
Georgia	200	35	348	33	77	23	13	23
Hawaii	61	45	144	45	28	41	0	47
Idaho	97	44	388	30	27	42	1	44
Illinois	1,350	11	895	19	168	10	35	9
Indiana	203	34	602	25	70	26	9	29
Iowa	191	36	250	40	34	36	27	18
Kansas	1,364	10	708	21	134	13	12	24
Kentucky	285	29	221	41	32	38	6	34
Louisiana	240	32	618	23	70	25	11	26
Maine	98	43	300	37	7	50	1	45
Maryland	469	22	383	31	71	24	2	42
Massachusetts	351	26	847	20	121	16	42	6
Michigan	1,776	6	1,771	7	199	6	51	4
Minnesota	821	19	1,181	14	95	22	35	11
Mississippi	246	30	131	47	19	46	4	39
Missouri	239	33	896	18	116	18	35	10
Montana	1,529	7	898	17	57	28	8	31
Nebraska	452	23	277	38	24	43	9	30

STATE	ENROLLMENT & RANK BY INSTITUTION TYPE 2-YEAR	RANK	4-YEAR	RANK	ENROLLMENT & RANK BY GRADUATE/PROFESSIONAL GRAD	RANK	PROF	RANK
Nevada	824	18	219	42	32	37	**0**	46
New Hampshire	23	50	206	43	**12**	48	**7**	32
New Jersey	313	27	459	29	98	21	**6**	33
New Mexico	3,100	**4**	1,497	**10**	179	**8**	29	**15**
New York	1,085	14	2,063	**5**	360	**3**	39	**7**
North Carolina	1,513	**8**	1,571	**8**	176	**9**	30	**13**
North Dakota	1,121	**13**	495	27	29	40	28	**17**
Ohio	565	21	968	**15**	161	**12**	**20**	21
Oklahoma	3,748	**3**	5,861	**2**	690	**2**	123	**2**
Oregon	838	**16**	938	**16**	98	**20**	39	**8**
Pennsylvania	352	25	659	22	132	**14**	30	**14**
Rhode Island	108	42	114	48	21	44	**0**	48
South Carolina	163	38	171	44	43	31	**4**	38
Tennessee	176	37	300	35	38	33	**3**	40
Texas	1,493	**9**	1,513	**9**	270	**5**	67	**3**
Utah	736	20	586	26	36	34	**10**	28
Vermont	29	48	102	50	36	35	**1**	43
Virginia	368	24	492	28	69	27	**5**	36
Washington	2,532	**5**	1,342	**12**	166	**11**	43	**5**
West Virginia	28	49	111	49	10	49	**3**	41
Wisconsin	834	**17**	1,216	**13**	107	**19**	29	**16**
Wyoming	310	28	134	46	17	47	**0**	50
TOTALS	**54,877**		**46,097**		**6,129**		**1,131**	

Top Twenty Rankings in Bold
Alaska recently absorbed two-year institutions in the U. of Alaska system

Degrees Conferred

In 1989, American Indians received 0.8 percent of the associates (3,335), 0.4 percent of the bachelor's (3,954), master's (1,086) and first professional degree (264), and 0.2 percent of all doctorate degrees (94); women earned the majority (55 percent or more) of the associates, bachelor's, and master's degrees while men earned the majority (52 percent or more) of professional and doctorate degrees. In 1989, American Indians earned associate degrees mostly in liberal/general studies, business and management, health professions and engineering. In 1990, there was 5.7 percent increase to 3,525 associate degrees, however no figures were available by selected fields.

In 1989, 61 percent of the American Indians earned bachelor's degrees in business, education, social sciences, health professions, biological/life sciences, and engineering; most men and women both pursued business and social science after which men chose engineering and women chose education. A 9.7 percent increase occurred in 1990 with 4,338 bachelor's degrees. Again, most degrees (59 percent) were awarded in business, education, social sciences, health professions, biological/life sciences, and engineering; the break down by gender and field was also the same as 1989.

In 1989, 76 percent of the master's degrees awarded to American Indians were in education, business, social sciences, health professions, public affairs, and engineering; men commonly sought degrees in business while women preferred education. There was a nominal increase of 2.0 percent in 1990 to a total of 1,108 master's degrees. Again, men tend to pursue business degrees while women selected education.

Of the 264 first professional degrees earned in 1989, most were awarded in law (54 percent) and medicine (23 percent); the percentage of women increased from 29 percent in 1985 to 45 percent in 1989. In 1990, there was a slight overall decline by 2.7 percent to 257 first professional degrees largely due to fewer men; no data were available for fields broken down by gender. A 33 percent increase occurred from 96 doctoral degree awarded to American Indians in 1990 to 128 in 1991. Most degrees were awarded in such fields as education (39 percent) and social sciences (25 percent); women increased from 25 percent in 1975 to 48 percent in 1991.

Equity Indicators for Enrollment and Graduation

When trying to assess progress made in terms of access and achievement in higher education, Richardson and Pavel (1992) advocate ". . .that equity needs translation into operational terms if it is to serve as more than an unattainable ideal for America's colleges and universities" (p. 146). They computed an equity score for undergraduate enrollment in four-year colleges and universities by dividing the proportional representation of a particular minority group in the population by their representation in the total undergraduate enrollment. Using a similar equation, an equity score for graduation was obtained by dividing the percentage of American Indians in the graduating class by the percentage of American Indians in the undergraduate enrollment four years earlier. Both scores are multiplied by 100 to remove the decimals and the scale limited from 0 to 100 to provide a measure of equity in terms of enrollment and graduation.

Their study focused on public and independent four-year institutions in states with three percent or more American Indian population to concentrate on states with relatively large reservation populations compared to the overall state population. In 1986, enrollment equity scores for both public and independent institutions in seven states (Alaska, Arizona, Montana, North Dakota, New Mexico, Oklahoma, and South Dakota)

ranged widely, but the median score for both types of institutions was in the low 50s, suggesting that American Indians who reside on or near reservations are not that well served by mainstream institutions. "The median for graduation equity for public institutions was 75. Among independent institutions, not a strong factor in these states, the comparable figure was 38-40" (p. 156). Overall, both scores indicate a mediocre performance when used to gage the ability of four-year colleges and universities to address the access and achievements of American Indians in higher education.

Financial Aid

Approximately 51 percent of the American Indian undergraduates received no financial aid from any source; of those students reporting they received aid (from one or more sources), 35 percent received aid primarily from federal programs, 15 percent from state programs, and only 10 percent from institutional programs. American Indian students are less likely to take out loans and to receive grants than other racial or ethnic groups. In 1991, the BIA Higher Education Scholarship program provided 13,700 students with an average grant of $1,680, decreasing from 15,200 students receiving an average grant of $1,800 in 1987. There is a waiting list of 66,500 students for the program. Among doctorate recipients, the primary source for 60 percent of the students was personal resources (most likely among other groups), for 20 percent it was institutional aid (lowest level among other groups), and for 11 percent it was federal programs.

Demographic Profiles of Doctorates

The median age for American Indian doctoral recipients was 34 years (compared to 38 years for the overall pool) with the average time lapse from baccalaureate to doctorate being 14 years (ten years for the overall pool). The percentage of Ph.D. recipients with at least one parent having some college education rose from 39 percent in 1979 to 54 percent in 1990 while 20 percent indicated that their parents had not graduated from high school. Most received their degree at universities in Oklahoma, Washington, California, and Michigan. The top four institutions awarding Ph.D.'s were Oklahoma State University, University of Oklahoma, University of Washington, and Michigan State University. The top four institutions with American Indian baccalaureates who went on to earn a Ph.D. were Northeastern Oklahoma State University, University of Wisconsin-Madison, University of Oklahoma, and University of California-Berkeley.

Employment in Higher Education

Academe hired 67 percent of the American Indians receiving Ph.D.'s. However, only 0.4 of all employees in higher education were American Indians with most (75 percent) being in non-faculty positions and non-management positions. In 1989,

only 0.3 (or 1,498) of the full-time faculty were American Indian with men outnumbering women by two to one. Fifty-three percent and 30 percent were employed in public four-year institutions and two-year institutions, respectively; nearly a quarter holding positions at two-year institutions are in 23 tribal colleges.

Sixty-seven percent of all the American Indian faculty (71 percent of the men and 57 percent of the women) are tenured compared to 71 percent of all faculty. Less than 20 percent are full professors with 40 percent holding rank of instructor or lecturer. There were only 491 (0.4 percent) full-time administrators in 1989; men out number women (289 to 202) although the disparity has declined since 1979 (241 to 89). Of the 20 to 30 college presidents, the clear majority head tribal colleges.

Tribal Colleges

Twenty-six tribal colleges enrolled approximately 13,800 American Indian students in 1991. Mostly federally funded, nearly all of these institutions are located on reservations and have enrollments of less than 500 students. The primary aim of these institutions is to provide quality educational services that, in additional to offering traditional college curriculum, offer courses relevant to the tribal community (i.e., language and history). These institutions have been instrumental in increasing the enrollment and degree attainment among a group of students who, in the past, would have been reticent about pursuing a postsecondary degree. This despite an expenditure per student of $2,672 compared to $5,129 for all public two-year colleges. Many tribal college have developed partnerships with area four-year institutions to increase transfer rates and, with the increased success of such joint adventures, the number of tribal colleges is expected to increase to meet the higher education needs of American Indians.

References

Carter, Deborah J., and Wilson, Reginald. Minorities in Higher Education. Washington, DC: American Council on Education, 1993.

O'Brien, Eileen M. American Indians in Higher Education. Washington DC: Division of Policy Analysis and Research, American Council on Education, 1992.

Pavel, D. Michael, and Padilla, Raymond V. American Indian and Alaska Postsecondary Departure: An Example of Assessing a Mainstream Model Using National Longitudinal Data. Journal of American Indian Education, 32, 2(1993): 1-23.

Richardson, Richard C., and Pavel, D. Michael. "Better Measures of Equity in Minority Participation and Enrollment." In M. Ludwig (Ed.), A Challenge of Change: Public Four-Year Higher Education Enrollment Lessons from the 1980s to the 1990s (pp. 145-170). Washington, DC: American Association of State Colleges and Universities/National Association of State Universities, 1992.

The Association of American Indian and Alaska Native Professors. Position Statement on Ethnic Fraud. Tempe, AZ: Center for Indian Education, Arizona State University, 1993.

Background of Author

D. Michael Pavel is an enrolled member of the Skokomish Indian Tribe in Washington State and is currently a faculty member in the Graduate School of Education, Division of Higher Education and Work at the University of California, Los Angeles. With over 15 years in the field of Indian education, Dr. Pavel has been instrumental in reviving and maintaining the traditional Skokomish culture while making the general public more aware about the importance of traditional culture in Native communities. His research interests include exploring factors that influence college student development and institutional adaptation to student diversity, assessing the validity of current models of college student persistence/departure with various student subcultures, and integrating qualitative and quantitative methods in longitudinal research.

APPENDIX A

PROFILES OF PROGRAMS BENEFITING INDIANS

PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
OFFICE OF INDIAN EDUCATION Dr. Jon Wade, Acting Director Office of Elementary & Secondary Education U.S. Department of Education 400 Maryland Avenue SW. Room 2177 Washington, DC 20202-6138 (202) 401-1887	**Appropriation** Subpart 1 1-ICS Subpart 2 Subpart 3 Administration Number of Programs: Number of Participants Subpart 1: 1 - ICS: Subpart 2: Fellowships: Subpart 3: **TOTAL:**	**$ 76,570,000** $ 53,965,000 $ 3,000,000 $ 12,038,000 $ 4,349,000 $ 3,218,000 1,389 384,346 5,001 12,968 108 5,745 **408,168**	♦ 79 Bureau of Indian Affairs school participated in the Title V formula program with a student count of 21,106. ♦ The Resource and Evaluation Centers became Indian Technical Assistance Centers in FY 1991 and increased from five to six with the new center covering the state of Alaska. ♦ 63 Indian-operated schools were funded in fiscal year 1992 with a student count of 15,728. ♦ In June of 1992 the most recent Director for the Office of Indian Education, Dr. John Tippeconnic, resigned to accept another position. The vacancy was filled with an acting director pending a search.

PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
IMPACT AID Charles E. Hansen, Director Office of ELementary and Secondary Educ. U.S. Department of Education 400 Maryland Avenue SW. Room 2077 Washington, DC 20202-6244 (202) 401-3637	**P.L. 81-874, Section 3 Funds: $250,449,020** Payments to local educational agencies (LEAs) providing a free public education to children who reside on Indian lands. Number of Students: 125,004 (computed as "average daily attendance")	♦ P.L. 81-874 authorizes assistance to LEAs providing free public education to children residing on Indian lands or with a parent who resides or works on Federal property or is an active duty in the uniformed service. ♦ Pursuant to section 5(b)(3) of the law and the regulations found in 34 CFR 223, an LEA claiming assistance for Indian lands children must have a set of Indian policies and procedures which provide tribal leaders and parents of American Indian/Native Alaskan children with opportunities to comment on and participate in the educational programs. ♦ LEAs are not required to spend these funds exclusively for Indian children or for special programs for Indian children.
IMPACT AID - CONSTRUCTION Charles E. Hansen, Director Office of Elementary and Secondary Educ. U.S. Department of Education 400 Maryland Avenue SW. Room 2077 Washington, DC 20202-6244 (202) 401-3637	**P.L. 81-815 Funds (Obligated): $ 22,100,208** Number of Projects: 5	♦ Direct grants to school districts serving children who reside on Indian lands for construction or renovation of minimum school facilities. ♦ $3,460,400 was carried over from fiscal year 1991 to fiscal year 1992.

PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
INDIAN VOCATIONAL EDUCATION PROGRAM Harvey G. Theil Office of Adult and Vocational Education U.S. Department of Education 330 C Street SW. Room 4523 Washington, DC 20202-7327 (202) 205-5680/9379	**1.25% set-aside:** Projects funded: Indians served:	**$ 12,348,740** 38 3,600	♦ The Carl Perkins Vocational and Applied Technology Amendments of 1990 maintains the 1.25% allocation for Tribes and BIA operated schools as eligible applicants. ♦ Act provides $2.5 million for two Indian higher educational vocational education institutions. ♦ The Carl Perkins Vocational and Applied Technology Education Act, as amended by Public Law 101-392, makes changes to rules and regulations governing the Indian Voc. Ed. Program including deletion of the 65 percent placement requirement and reinstatement of student stipends.
VOCATIONAL REHABILITATION SERVICES FOR AMERICAN INDIANS WITH DISABILITIES Edward Hofler, Director Office of Special Education and Rehabilitative Services U.S. Department of Education 330 C Street SW. Room 3318 Washington, DC 20202-2740 (202) 205-9432	**.25% set-aside:** Total Projects: New Projects: Continuations: Number of clients:	**$ 4,470,000** 16 9 7 3,250	♦ Set-aside service grants to tribes to provide vocational rehabilitation services to handicapped clients living on federal and state reservations. ♦ This program is authorized by Part D, Section 130, of the Rehabilitation Act of 1973, as amended. The Act was most recently amended by the Rehabilitation Act Amendments of 1992.

PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
MINORITY SCIENCE IMPROVEMENT PROGRAM Dr. Argelia Velez-Rodriguez Office of Postsecondary Education U.S. Department of Education 7th and D Streets SW. Room 3022 Washington, DC 20202-5251 (202) 708-4662	**Appropriation:**	**$ 600,000**	♦ Discretionary grants to improve science and engineering education programs at minority institutions. The total amount reflects funds going to predominantly Indian/Alaska Native institutions. Program funding level in fiscal year 1991 was $5,855,000.
	Number of students served:	815
	Ft. Belknap College, MT	165
	Standing Rock College, ND	150
	Little Big Horn College, MT	400
	Navajo Community College, MT	60
	Sinte Gleska College, SD	40
	Number of projects funded:	5

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PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
OFFICE OF BILINGUAL EDUCATION Nguyen Ngoc Bich Deputy Director, OBEMLA U.S. Department of Education 330 C Street SW. Room 5609 Washington, DC 20202-6510 (202) 732-5700	**Total Appropriation: $ 13,800,000*** Special Alternative Instructional Programs Indian included, but not exclusive: $ 5,617,725 Transitional Programs: Amount Unknown Est. number of Indian Students benefitting 36,000 * Actual appropriation going to Indian students unknown. Total is based on 1987 estimates. [1] Estimate from the Department of Education, Budget Office Number of Indian students participating in Bilingual transitional programs cannot be calculated with the present data collection methods.	♦ Transitional programs are designed to provide structured English-language instruction and, to the extent necessary to allow a limited English proficient (LEP) child to achieve competence in English, instruction in the native language of the child, and incorporate the cultural heritage of the child and other children in American society. Special Alternative programs are designed to provide structured English-language instruction and special instructional services that will allow a LEP child to achieve competence in the English language.
INSTITUTIONAL AID Caroline J. Gillin Office of Postsecondary Education U.S. Department of Education 400 Maryland Avenue SW Room 3042, ROB 3 Washington, DC 20202-5335 (202) 708-8839	**Appropriation: $ 7,294,887** Part A: $ 2,598,919 Part C: $ 4,695,968 Number of Institutions: 16 Part A Grantees: 13 Part C Grantees: 3	♦ Funds provided under 2 programs. Part A (Development) and Part C (Endowment, the terms of which extend over a 20 year period), to develop institutional self-sufficiency; figures reflect amounts going to predominantly Indian institutions. ♦ Total appropriation under the Institutional Aid Program in fiscal year 1991 was $204,832,000.

PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
LIBRARY SERVICES FOR INDIAN TRIBES Beth Fine U.S. Department of Education 555 New Jersey Avenue NW. Washington, DC 20208-5571 (202) 219-1323	**FY 1992 Appropriation:** Indian Tribes: Basic Grant: Number of Awards: Special Projects: Number of Awards: Hawaiian Projects: Number of Awards: 1 Total Awards: 231	**$ 2,410,480** $ 1,807,860 $ 899,892 219 $ 907,958 11 $ 602,620	♦ Direct grant to Indian tribes, Alaska Native Villages, and Hawaiian Natives for the provision of public library services. ♦ Library Services and Construction Act was reauthorized in fiscal year 1990. ♦ 2.0% set-aside of LSCA Titles I, II, and III.
DIVISION OF PERSONNEL PREPARATION **NATIVE AMERICAN PROJECTS** Betty C. Baker Office of Special Education Projects U.S. Department of Education 400 Maryland Avenue SW. Switzer Building Room 3513 Washington, DC 20202 (202) 732-1264	**Appropriation:** Native American Projects: Recruiting Native Americans: Total number of Projects: Native American Projects: Continutation: New: Total: Recruiting Native Americans Continuation: New: Total:	**$ 3,092,941** $ 1,575,885 $ 1,517,056 23 10 7 17 9 7 16	♦ The Division of Personnel Preparation prepares persons who are Native American to serve handicapped children. ♦ The Native American Project section are special education personnel preparation projects specifically designed to train Native Americans to serve handicapped children. ♦ The Recruiting Native Americans program recruits Indian students in areas of high Indian populations.

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PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
ADULT EDUCATION Charles Geboe Acting Director Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB 522 Washington, DC 20245 (202) 208-4871	**Appropriation:** Number of Programs: Number of Students: Average Cost Per Student:	**$ 3,478,610** 91 12,500 $265	♦ Provides educational opportunities and learning experiences to enable adult American Indian/Alaska Natives to complete high school graduation requirements, acquire basic literacy skills, and gain new skills and knowledge. ♦ Distribution of funds to Adult Education Programs is determined by the Indian Priority system and the distribution is made to each program by the Bureau.
CHAPTER 1 Sharon Lynn Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW MS 3530-MIB, Code 524 Washington, DC 20245 (202) 208-6364	**1% set-aside:** Number of students:	**$ 31,276,152** 17,168	♦ For use at BIA-operated and contract schools, this program provides compensatory (supplemental) education services to disadvantaged children. ♦ 50 school-wide projects. ♦ 59 schools eligible for program improvement.

PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
DRUG-FREE SCHOOLS & COMMUNITIES Sharon Lynn Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 521 Washington, DC 20240 (202) 208-1127	1.0% set-aside: $ 5,665,000	♦ For alcohol and drug abuse education prevention programs for children served by the BIA.
EDUCATION OF THE HANDICAPPED Goodwin K. Cobb, III Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 523 Washington, DC 20240 (202) 208-6675	P.L. 102-119, 1% set-aside: $ 22,891,184 Number of Students: 6,159 Part H Program, 1.25 % distributed by formula: $ 1,400,000 Indian Children ages 3-5, .25% distributed by formula.	♦ Provides supplemental funding for special education and related services to handicapped Indian children ages 5-21. ♦ Distributed directly to tribes for services for children ages 0-2 in cooperation with state level agencies. ♦ Distributed directly to tribes for services for children 3-5 in cooperation with state level agencies. Part H is also referred to as the Infants and Toddlers Program.

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PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
INSTITUTIONALIZED HANDICAPPED Goodwin K. Cobb, III Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 523 Washington, DC 20240 (202) 208-6675	**P.L. 91-142:** **$ 2,962,200** Number of Students: 125 Children are served in: 30 private facilities 2 tribal institutions 3 state institutions. 35 Total	♦ Program typically provides education and related services to severely handicapped and mentally fragile children between the ages of 5-21. ♦ The reduction in the number of students being served by this program from 215 to 125 indicates an effort by the Bureau to have students placed in the least restrictive environment.
ISEP FORMULA & ADJUSTMENTS Joy Martin Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 511 Washington, DC 20240 (202) 208-4555	**Appropriation:** **$201,932,187** ISEP Adjustments: $ 1,832,614 Student Count: BIA Operated: 24,835 BIA Contract: 16,989 Total students in 23 states: 41,824 FY '91 Forward Funding $172,094,000 ISEP 08/01/91 to 06/30/92 $ 3,769,000 Prog. Adj. FY '92 Forward Funding $201,932,187 ISEP 08/01/92 to 06/30/93 $ 4,818,512 Prog. Adj.	♦ In FY 1992, the BIA operated directly or by contract, approximately 182 elementary and secondary schools and 6 peripheral dormitories. ♦ In FY 1992, 46 of all BIA-funded schools were contracted to tribes and 7 schools operated under formal cooperative agreements with public schools.

PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
JOHNSON O'MALLEY PROGRAM Ernabelle Skye Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 521 Washington, DC 20240 (202) 219-1128	**Appropriation: $ 23,589,973** Number of Students: 288,738 The Johnson O'Malley Program operates in 32 states and is contracted with: Tribes: 172 Tribal organizations: 53 Public Sch. Dist.: 93 St. Depts. of Educ.: 6	♦ Provides funding for suplemental education programs for eligible Indian/Alaska Native children in public schools and programs to meet the special needs of 3-4 year olds as determined by contractors and local Indian education committees.
MATH & SCIENCE EDUCATION Charles Gehoe Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 521 Washington, DC 20240 (202) 219-1127	**0.5% set-aside: $ 1,068,986** In FY 1992, the Office of Indian Education Programs sponsored four workshops for BIA teachers: Grade K-3 teachers: 81 Grade 4-6 teachers: 70 Other teachers: 72 Total Participants: 223	♦ Funds are used to strengthen the skills of teachers in the subject areas of Mathematics and Science. A Memorandum of Agreement signed by the Secretary of the Interior and the Secretary of Education, provides for a transfer of funds to the BIA. The BIA submits a plan to the Department of Education in which the planned training program is described, including the geographic areas to be served.

PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
MONITORING AND EVALUATION Sandra Fox Bureau of Indian Affairs U.S. Department of Interior 1849 C. St. NW MS 3530-MIB Code 531 Washington, DC 20240 (202) 208-3550	**Appropriation:** Schools Monitored: Agencies/Areas Monitored: Central Office Monitored:	**$ 500,000** 51 9 1	♦ Programs are monitored for standards/regulations compliance and evaluated for quality of services provided. Monitoring teams are comprised of educators from inside and outside of the Bureau of Indian Affairs-system. Information gathered is entered into a data base for planning and system evaluation purposes. Schools and line offices develop and implement improvement plans based upon monitoring findings.
OFFICE OF CONSTRUCTION MANAGEMENT Oscar Mueller, Acting Director U.S. Department of Interior 1849 C Street NW., Room 2415 Washington, DC 20245 (202) 208-3403	**Appropriation:** Education Projects: Planning & Design: Improvement:	**$ 87,784,000** $ 32,495,000 $ 5,957,000 $ 49,332,000	♦ New school construction based on established ranking process published in the *Federal Register*. Repair and Improvement program based on priority ranked input from Area Offices.

PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
POSTSECONDARY SCHOOLS Reg Rodriquez Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW., MS 3530-MIB, Code 522 Washington, DC 20240 (202) 208-6175	**Appropriation:** Haskell: Number of Students: Fall - 896 Spring - 830 SIPI: Number of Students: Fall: Spring: Totals:	**$ 11,490,993** $ 7,496,170 $ 3,994,823 505 550 Fall 1,401 Spring 1,380	♦ Education staff at the area and agency offices provide supervision for this program. This undergraduate scholarship program is contracted out to the tribes or may be administered at the agency level.
SCHOLARSHIPS (HIGHER EDUCATION PROGRAM) Reggie Rodriguez Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. Washington, DC 20245 (202) 208-4871	**Appropriation:** Students Assisted: Average Grant Amount: Number of Graduates:	**$ 29,897,485** 14,000 $1,991 1,300	

PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
SCHOOL BOARDS Charles Geboe Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB Code 521 Washington, DC 20240 (202) 219-1127	Total:	$ 0	♦ In fiscal year 1991, the appropriations for school board training was moved to the Indian School Equalization Program category.
SOLO PARENT PROGRAM Charles Geboe Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 511 Washington, DC 20240 (202) 208-4555	**Appropriation:**	**$ 148,110**	♦ Operated at Sherman Indian School and Flandreau Indian School to provide single parents the opportunity to complete their high school education while living at the school with their children.
SPECIAL HIGHER EDUCATION SCHOLARSHIPS Reggie Rodriguez Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 521 Washington, DC 20240 (202) 208-6175	**Appropriation:** American Indian Graduate Center Students Served: UNM Summer Law Program: Students Served:	**$ 2,417,155** $ 2,257,155 352 $ 160,000 26	♦ FY 1992 program includes University of New Mexico Summer Law Program. ♦ In FY 1992, only applicants in the priority fields of study are eligible for funding. ♦ Received 622 applications in FY 1992

PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
STUDENT TRANSPORTATION Joy Martin Bureau of Indian Affiars U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 511 Washington, DC 20240 (202) 219-4555	**Appropriation:** **$ 19,016,337**	♦ Funding includes service costs for vehicle rental, supplies and equipment, maintenance, and repair and other support costs.
SUBSTANCE/ALCOHOL ABUSE EDUCATION PROGRAM Sharon Lynn Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 521 Washington, DC 20240 (202) 219-1127	**Appropriation:** **$ 2,437,891**	♦ P.L. 99-570 requires all schools funded by the BIA to provide instruction relating to alcohol and substance abuse prevention and followup. ♦ In Fy 1990, the BIA expanded this program to include a health promotion and disease prevention program and an AIDS program with additional funds from the Department of Education Substance Abuse Program. ♦ Funds are used to serve all students in all BIA schools.

PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
TECHNICAL SUPPORT Joe Christie Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 521 Washington, DC 20240 (202) 219-1127	**Appropriation:** Area/Agency Office: MIS:	**$ 7,358,105** $ 7,033,948 $ 322,302	♦ Includes educational Management Information System (MIS) activities; field level staff assistance to the Director, Office of Indian Education Programs; and broad technical assistance and leadership for all education programs to local school boards, other tribal members, parents, and other Indian citizens.
TRIBAL COLLEGES SNYDER ACT SUPPLEMENT Reggie Rodriguez Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 521 Washington, DC (202) 208-4871	**Appropriation:** Number of Students:	**$ 1,046,644** 1,607	♦ Under authority of the Tribally Controlled Community Colleges Assistance Amendments Act (P.L. 98-192), the BIA provides grants to tribal colleges for academic and administrative purposes and for the operation and maintenance of the colleges.

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PROGRAM	FY 1992 BUDGET		PROGRAM DESCRIPTION
TRIBALLY CONTROLLED COMMUNITY COLLEGES Reggie Rodriguez Bureau of Indian Affairs U.S. Department of Interior 1849 C Street NW. MS 3530-MIB, Code 521 Washington, DC 20245 (202) 208-4871	**Appropriation:**	**$ 23,394,468**	◆ Authorized by P.L. 98-192 ◆ Twenty-two Tribally Controlled Community Colleges were served in FY 1991. ◆ Title I funds all colleges except for Navajo Community College. ◆ Title II funds are only for the Navajo Community College.
	Operating Costs:		
	Title I:	$ 14,735,735	
	Title II:	$ 6,081,000	
	Technical Assistance:	$ 116,000	
	Endowment (P.L. 99-428):	$ 994,760	
INDIAN HEALTH SERVICE SCHOLARSHIP PROGRAM Wes Picciotti, Chief Scholarship Branch Twinbrook Metro Plaza Suite 100 12300 Twinbrook Parkway Rockville, MD 20852 (301) 443-6197	**FY 1992 Appropriation:**	**$ 12,151,000**	◆ Out of 1,300 applications received, the IHS Scholarship Program could only serve 195 new awards because of limited funds; there were 448 continuation awards. ◆ Placement of graduates for those who do not have Indian preference needs to be resolved; mandatory placement is being considered.
	Section 101 - Recruitment Prog.	$ 856,000	
	Section 102 - Pre Professional	$ 3,063,000	
	Section 103 - Extern Program	$ 1,198,000	
	Section 104 - Health Professions	$ 7,789,000	

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PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
PROJECT HEAD START Lee A. Fields, Jr., Chief Health and Human Services 330 C Street SW. Washington, DC 20013 (202) 245-0437	**Appropriation:** $ 63,557,350 Tribal Organizations: 118 Children Served: 17,627	♦ Eligibility requirements for program participation requires that family income guidelines be met which vary according to the number of household members. ♦ To participate in an Indian operated program, children must be 3 to 5 years of age and a member of a federally recognized tribe.
INSTITUTE OF AMERICAN INDIAN ARTS Kathryn Harris Tijerina P.O. Box 20007 St.Michael's Drive Box 20007 Santa Fe, NM 87504 (505) 988-6463	**Appropriation:** $ 6,312,000 Number of Full-time Students: 233 Number of Tribes Represented: 78	♦ IAIA was orignially founded under the Department of Interior Bureau of Indian Affairs, but severed ties as stated in P.L. 99-498, which was signed in October 1988, effective June 1, 1988. ♦ IAIA is now privately administered, not-for-profit organization with a federal charter by the U.S. Congress. ♦ Future plans include expanding the Institute's curriculum from a two-year associate to a four-year baccalaureate program.

PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
ADMINISTRATION FOR NATIVE AMERICANS Administration for Children and Families Lucille Dawson or Winona Warren Hubert H. Humphrey Bldg. 200 Independence Avenue SW. Room 344F Washington, DC 20202-0001 (202) 245-7776	**AI/AN Programs Only: $ 31,689,525** **Total Appropriation: $ 34,126,000*** Total Grantees: 244 AI/AN Grantees: 232 CATEGORY # AWARDS AMT Fed. Recognized Tribes: 99 $12,421,209 Alaska Natives: 47 $ 4,941,260 Nat. Amer./Consortia: 4 $ 741,955 Non-Fed. Recognized Tribes: 25 $ 2,132,900 Urban Organizations: 12 $ 934,534 Rural Organizations: 4 $ 509,815 Non-Fed/Consortia: 4 $ 384,574 Special Projects: 14 $ 4,608,189 Interagency Transfers: 8 $ 558,821 Training/Technical Asst.: 8 $ 2,171,389 Research and Evaluation: 11 $ 1,306,359 Natl. Indian Policy Ctr.: 1 $ 1,000,000 Hawaiians/Pac. Islanders: 1 $ 1,000,000 Hawaiian/Pac. Islanders: 11 $ 1,436,475 Transfers to ANA from agencies: (227,480) Transfers from ANA to ACF agencies 206,000	♦ Financial assistance provided by ANA is designed to strengthen the self-sufficiency of Native American tribes and organizations through support of social and economic development strategies and the strengthening of local governance capabilities. ♦ Financial assistance is available for American Indians/Alaska Natives, Native Hawaiians and Native Pacific Islanders. ♦ Under Section 803 of the Native American Programs Act of 1974, as amended, colleges and universities are not eligible applicants unless they serve Native Hawaiians of other Native American Pacific Islanders.

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PROGRAM	FY 1992 BUDGET	PROGRAM DESCRIPTION
COMPREHENSIVE SCHOOL HEALTH EDUCATION PROJECT Georgeline Sparks Indian Health Service Parklawn Building Room 6A20 5600 Fishers Lane Rockville, MD 20857 (301) 443-1870	**Total Appropriation: $ 299,000*** Teachers Trained: 168 Students Served: 10,000 Areas Served: Alaska, Albuquerque, California, Phoenix, Portland, Billings, Nashville, Bemidji * Funds are allocated from the Center for Disease Control in Atlanta, Georgia.	♦ The Comprehensive School Health Education Program is a Center for Disease Control and Indian Health Service initiative. ♦ Health modules are being implemented including the Growing Healthy and Teenage Health Teaching curriculum modules. ♦ Local cultural adaptations to materials is encouraged. ♦ Modules must include units on HIV/AIDS.
NATIVE AMERICAN EMPLOYMENT AND TRAINING PROGRAMS Mr. Carmelo J. Milici U.S. Department of Labor Division of Indian Native American Programs, Employment and Training Administration, Room N4641 200 Constitution Ave. NW Washington, DC 20210 (202) 535-0507	**Appropriation $ 75,600,002** PY Title IV-A: $ 63,000,000 PY 1991 II-B (Summer 1992): $ 12,418,726 Number of Programs: PY Title IV-A: 182 PY 1991 II-B (Summer 1992) 131 **Total: 313**	♦ To afford job training to Native Americans facing serious barriers to employment, who are in special need of such training to obtain productive employment. To reduce the economic disadvantages among Indians and others of Native American decent and to advance the economic and social development of such people.

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APPENDIX B

INDIAN EDUCATION SHOWCASE PROJECTS

OIE EFFECTIVE SHOWCASE PROJECT
CENTER I REGION

AMERICAN INDIAN LANGUAGE DEVELOPMENT PROGRAM

Lansing School District
519 W. Kalamazoo Street
Lansing, MI 48933
Ms. Linda Kent, Project Coordinator

PROJECT DESCRIPTION

The Lansing School District is an urban, multicultural district with a K-12 enrollment of 21,102. The student ethnic breakdown includes: 54 percent Caucasian, 29 percent black, 11 percent Hispanic, 4 percent Asian, and 1 percent Native American. Multicultural education programs have long been a priority in the district because of the diverse ethnic groups represented. Native American students are enrolled in all buildings.

The Lansing Title V Indian Education Program provides academic and cultural support services to 332 Native American students in grades K-12. The native population in Lansing represents many different tribes, however, the majority of the native population represented includes the Ottawa, Chippewa, and Potowatomie tribes from the state of Michigan. The common language among these tribes is Ojibwa. The Ojibwa language is an oral language only. It is not known to what extent the Ojibwa language has a written orthography, et. al. The Title V program has undertaken a very important task in developing and piloting an Ojibway language class. Upon completing an extensive review of Ojibway language materials, the project staff selected the "Let's Talk Ojibway" curriculum (developed by the Ojibway Cultural Foundation, Ontario, Canada).

WHAT WORKS MOST EFFECTIVELY

Parent and community involvement are encouraged by students and school staff. Regular meetings are well-attended by parents, community members, and staff. Curriculum materials for the pilot Ojibway language course are being developed, evaluated, and improvements have been made by staff.

WHY IT WORKS

Through the use of the Title V Indian Education grant, in addition to direct services to Indian students, the program has worked to develop and pilot an Ojibway

language class. Students are motivated to learn more about their history, language, and culture as a result of attending the Ojibway language course.

HOW IT WORKS

During the developmental and pilot stages of the project, 18 people actively participated in the language classes. After the initial year (1990-91), 10 students continued from the original 18 participants, who passed the criteria for success as stated for first year students. Targeted students including adults seeking GED certification ranged in age from 16-48 years of age. The first phase of development focused on creating a written form of the language. Historically, the language was passed down from parent to child in the oral tradition. The class instructor is a fluent speaker of Ojibwa and a member of the Lansing Indian community.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

First, the realization among community members of the value of their language and its interrelatedness to their cultural identity and survival. Secondly, the Lansing School District also realizes the role it can play in helping to support and preserve the uniqueness of its Native American student population through the enhancement of multicultural educational programming offered.

WHAT MAKES THE PROJECT UNIQUE?

The project is unique because it not only offers language acqusition to Native Americans, it also provides credit toward graduation for students with Ojibway language classes to foster self-esteem and awareness of their culture as well as improve the curricular quality of information for all students at the secondary level.

OIE EFFECTIVE SHOWCASE PROJECT
CENTER II REGION

INTEGRATED INDIAN STUDIES ACROSS THE CURRICULUM

Todd County School District No. 66-1
P.O. Box 87
Mission, SD 57555
Dennis Gaspar, Project Director

PROJECT DESCRIPTION

The boundaries of Todd County School District #66-1 in south-central South Dakota are the same as the boundaries of the Rosebud Sioux Reservation. The reservation/school district covers an area of over 1400 square miles, includes seventeen communities, and has a population of approximately 10,000. Mission, South Dakota is the site of the school district administration building, curriculum materials center, two elementary schools, special education facilities, middle school, and high school. These facilities and the nine other elementary schools dispersed throughout the reservation serve 2,082 students from a bi-cultural population. Eighty-nine percent (89 percent) of the district's students are Lakota. Todd County Schools serve more Indian students than any school district in South Dakota.

The Todd County School Board, along with its staff and administration, in conjunction with the tribal leadership, parents, and community members from throughout the reservation, constantly search for clear and specific ways to increase school attendance, to increase student achievement levels, and to decrease student drop-out rates. There is a concentrated effort among school district, tribal, county, and community resource groups to identify needs and to utilize all available resources in order to enhance the culturally-appropriate educational opportunities for all students in the Todd County School system.

In response to the needs identified and prioritized by the Title V Parent Advisory Committee, Todd County School District, through the auspices of the Title V Program, seeks to increase cultural awareness, to increase parental participation in the educational process, and to decrease student absenteeism by providing a coordinated program of supplemental instructional services and home-school interaction which focuses on the integration of Indian studies across the curriculum.

WHAT WORKS MOST EFFECTIVELY

The most effective component of the program is the integration of the Indian studies process. It is a multi-tiered process: Under the direction of an Indian Studies Coordinator, school district staff over the past several years have systematically developed Indian perspective, K-12 curricular materials which can be infused into each component area. The Indian Studies Coordinator provides in-service technical assistance for the teaching staff on "how" to integrate Indian studies into the classroom.

Technical assistance is also provided through the use of local resource people who are invited into the schools to work directly with students and/or work with staff. Children learn Lakota oral traditions by doing, i.e., hearing Lakota stories in their language arts classes; drying meat in their social studies and/or science classes; and meeting Indian adults who are doctors and lawyers who speak Lakota and talk about how good it is to be an Indian person.

Finally, there is another tier to this project that is also very important. It is the layer that gives even more meaning to the project. Integrating Indian studies is not just a matter of integrating content; one must also consider yet another process: How do we teach Indian kids? How do we account for cultural differences? learning styles? ways of participating? The Todd County Schools Title V Project provides an avenue for in-service programs and one-to-one contact with teachers thoughout the district to look at important multicultural education issues like learning styles from a new perspective.

WHY IT WORKS

The integration of the Indian studies component works, because, through the implementation of Indian perspectives throughout the curriculum, a sense of ownership evolves. Students begin to feel a personal connection to the curriculum which validates their identity as Indian children. Parents also develop a sense of ownership and involvement in the school itself. This project narrows the gap between home and school and makes home and school more congruent.

HOW IT WORKS

The integration of Indian studies process was begun during the 1986-87 school year. Based on a comprehensive needs assessment, long and short range goals, objectives, and activities were developed to ensure progress and accountability. Needs, goals, objectives, activities, and management plan are reviewed annually. Facilitated by the Indian Studies Coordinator, specific activities include the following: on-going development of curricular materials and the coordination of their implementation into the regular instructional program at both the elementary and secondary levels; evaluation of curricular materials for appropriate use by the instructional staff; relevancy to Lakota

history and culture; contemporary Indian issues, problems, and events; and providing teacher and staff training and technical assistance on a regular basis.

HOW THE PROJECT HAS PROVEN ITS EFFECTIVENESS

It is difficult to determine cause and effect relationships; nonetheless, between the 1985-86 school year and the present there has been an average decrease of over 12% in the overall drop-out rate for grades 9-12 according to the Todd County School District office. At the same time, while the total school population has remained basically unchanged, the number of graduates has increased each year. In the 1985-86 school year, there were 46 high school graduates compared with 71 graduates for the 1991-92 school year. At the same time, attendance averages over the past five years have been consistently high, ranging from 90 to 92 percent. Perhaps more importantly, there has been a clear change in attitude among district staff. In 1986, a comprehensive needs assessment showed a clear belief on the part of the teachers that integration of Indian studies was important but that it was not happening with any breadth or depth. In a similar survey during 1990-91, essentially the entire teaching staff has implemented integration strategies into the district classrooms. Anecdotal records, gleaned from teacher surveys, show increased self-esteem not only for students but also for parents and community members. Parents report that they feel more comfortable in their children's classrooms.

WHAT MAKES THE PROJECT UNIQUE

There are several unique features to the Title V "Integration of Indian Studies" project for Indian students enrolled in the Todd County School system. The curriculum that has been developed presents trans-tribal perspectives of the Rosebud Sioux. The degree to which the project has been able to gain support and commitment in the community is outstanding. The project is "owned" by everyone involved; consequently, there is increased cooperation and understanding between the school and community. Another unique feature is that the project is structured as "process" rather than "product." Success of the project involves a lot more than simply creating, printing, and disseminating discreet pieces of the curriculum. Learning is a process; there is always more to learn, more work to be done. Because the focus is on delivery as much as content, nothing is collecting dust on classroom shelves. Each time the curriculum changes, the Indian studies component must also change.

OIE EFFECTIVE SHOWCASE PROJECT
CENTER III REGION

COMMUNITY-BASED TUTORING PROGRAM

Eugene Public School District 4J
200 N. Monroe
Eugene, OR 97402
Twila Souers, Project Coordinator

PROJECT DESCRIPTION

The Title V program at Eugene serves three school districts of varying populations. One school district is small and rural, while another is medium in size. The largest is Eugene Public School District with approximately 17,000 students. The Native American student population is 440. By normative definition, this is a minority group of students. They have some very different needs. For example, the district students score higher than the national average on achievement test scores. Many of the students in this district are being "groomed" for higher education. The Native American student faces an academically tough reference group. Title V offers a **tutoring program** throughout the entire year (including summer) that provides individual educational attention in response to this need. Another problem is the Native American population is spread through many different schools. Just providing a service, in so many different schools, is a major logistical problem with very minimal funding. This is like a "mom and pop" grocery store competing with the supermarkets.

WHAT WORKS MOST EFFECTIVELY

This Title V program is based on the concept of community. The majority of the staff serve on a part-time basis. Many different teaching and learning styles are represented by the tutors. The numerous conferences offer an organizational format to network ideas among the tutors and the director. Parents are also part of the community. Even students are included as peer tutors. The program director started on the parent committee and has worked toward a Ph.D. The concept of community is ever expanding.

WHY IT WORKS

Much of the Showcase focus stems from the program coordinator's ability to orchestrate and direct the program under a tight budget. The Program Coordinator works full time, but is paid on a part-time basis. Program savings make it possible to hire part-time tutors. Ultimately, the students receive the benefits

in the form of the Title V Tutoring Program. The program is spread through many different schools, with the project director serving in the role of a coordinator to ensure that tutoring services are provided, scheduling conferences among the participants, parents, staff, and meeting with the individual participants one-on-one. Everyone is involved.

HOW IT WORKS

The three project goals include: 1) improving the performance of students in reading, math, and language arts (80 percent correct or better on a posttest, improved grades, or teacher rating improvements); 2) increasing their cultural knowledge or awareness; and 3) providing culturally relevant curriculum.

HOW THE PROJECT PROVES ITS EFFECTIVENESS

There is a lot of record keeping. Files are kept on the students in the program. In this way, they can see individual differences from the beginning to the end of the year. This approach to record keeping is a strength of the program. The students can measure changes that take place. Embedded in this record keeping is goal setting. The project director and the tutors colloborate with the students to make an academic plan for the month. One tutor explained, "We empower students with choices." Monthly reports are kept to be used for the Federal reports.

WHAT MAKES THE PROJECT UNIQUE

The Title V program places a heavy concentration on the tutoring component, however, there are related services including workshops, culture club, summer camp, parent committee training, newsletter, teacher in-service, etc. All of these programs are special, but the parent committee and the project director are especially proud of the summer camp. The children love this experience and look forward to this most worthwhile activity. One parent wrote, "what did you (do) with our children? They learned respect from the camp." How does one measure such intangibles as learning respect? Again, this is an example of small things that make a difference in Indian education.

OIE EFFECTIVE SHOWCASE PROJECT
CENTER IV REGION

PARENT SCHOOL PARTNERSHIP PROGRAM

Ganado Unified School District No. 20
P.O. Box 1757
Ganado, AZ 86505
Evelyn Begay, Project Director

PROJECT DESCRIPTION

The Ganado Unified School District No.20 is located in Apache County in the Northeastern corner of Arizona on the Navajo Indian Reservation. Educational services are provided to children ranging from kindergarten through grade twelve who live in five different communities or chapters. The district serves primarily Navajo children (1,939) who comprise about 98% of the total enrollment for the 1991-92 school year. The district has a high level of economically disadvantaged families with over 88 percent of the students qualifying for the federal lunch program. In addition, 46 percent of students are identified as limited English proficient (LEP) as determined by assessment procedures.

The Parent School Partnership Program (PSPP) was developed as a result of a comprehensive needs assessment which included students, staff, and community members. Findings indicated that parental involvement activities should be incorporated into the district's goals and objectives to help improve student achievement. Potential strategies for increasing parental involvement were placed in five categories to be addressed in the parental involvement component.

WHAT WORKS MOST EFFECTIVELY

PSPP is an integral component of the overall school structure. Supporting that concept, the parental involvement component of the Title V project was designed to assist parents to better recognize the educational needs of their children and to assist parents in helping their children succeed in school. The Title V parent advisory committee (PAC) serves as a vehicle for encouraging and training the parents. The PAC is thoroughly trained on topics such as: parent committee roles and responsibilities; district structure, philosophy, and policies; school and program goals and objectives, program funding sources and levels; and all facets of curriculum. The belief is that the more parents know about the school, the better they can participate in that system and facilitate the message to other parents in their respective communities. Monthly meetings are hosted by the PAC and alternate between the communities. At these meetings parents

are encouraged to take an active part in the education of their children. Pertinent workshops such as, "How Parents Can Tutor Children at Home," "Assertive Discipline," How to Nurture and Build Self-esteem" and "How to Improve Homework and Study Skills" are presented at the meetings.

WHY IT WORKS

There are three key ingredients which make the PSPP work. It incorporates the Navajo philosophy of learning, therefore, making it natural for parents and community members to be active participants in the parent-school partnership. The Title V staff are persistent in encouraging parents to attend meetings, workshops, and conferences. And finally, incentives are provided for regular attendance as well as for recruitment of new parent committee members.

HOW IT WORKS

Prior to each school year, PAC members participate in a 2-day parent committee retreat. During this time parent committee roles and responsibilities are defined; committee goals, objectives, and activities are established; and the plan of action for parental involvement outlined. The plan of action includes three distinct components: 1) **Parents as Supporters**: Parents plan fundraising activities for major field trips (leadership/citizen workshops for students to Washington, D.C.), student council food drive, sports banquet, and graduation reception. 2) **Parents as Learners:** Parents have an opportunity to increase their knowledge about school curriculum, school policies, and parenting skills at regular meetings and special parent workshops. 3) **Parents as Advisors:** Parents have an opportunity to share their views on their children's education with teachers and administrators, to serve on numerous advisory committees, to offer suggestions on curriculum development, and to participate in the annual school board retreat.

HOW IT HAS PROVEN ITS EFFECTIVENESS

The strength and the commitment of the Title V PAC plays a major role in the effectiveness of the parent involvement component. As a result of on-going parent training sessions, parent and community support for the school district has been strengthened. This is evidenced by a 79 percent average attendance rate at meetings and workshops during the 1991-92 school year. During that same school year several PAC members recorded perfect attendance. Others were recognized for 10 years of service as dedicated volunteers who served both the committee and the entire school district. In addition two PAC members were elected to the school board, after gaining experience through their active participation in the PAC. Attendance of parent activities has

increased dramatically over the past four years. Last year at least 40 percent of 480 parents attended one or more parent activities.

WHAT MAKES THE PROJECT UNIQUE?

The most unique and exciting aspect of PSPP is its impact on the school district's annual goal to foster and increase the parent-school partnership in education. To achieve this partnership, the school district governing board is committed to: (a) involving parents as partners in school governance, including shared decision-making and functioning in an advisory capacity; (b) establishing effective two-way communication with all parents; and (c) utilizing schools to connect students and families with community resources that provide educational enrichment and support. In response to this committment PAC members participate in the district's annual retreat where they have an opportunity to meet with administrators, school board members, teachers, and students to plan district-wide goals, objectives, and activities for the entire school year. PAC members also participate on different committees, i.e. substance abuse, curriculum and instruction, policies and procedures, and vocational education.

OIE EFFECTIVE SHOWCASE PROJECT
CENTER V REGION

AMERICAN INDIAN TEACHER TRAINING PROGRAM

American Indian Research & Development, Inc.
2424 Springer Drive, Suite 200
Norman, OK 73069
Stuart A. Tonemah, Project Director

PROJECT DESCRIPTION

This project consists of a masters degree program in Gifted and Talented Education with an emphasis on Indian education. This is a 3 year project housed at Oklahoma City University, Oklahoma City, Oklahoma. The project recruits and selects Indian educators and provides them with a specially designed course of study resulting in a masters degree in a 12-month period. The project provides tuition and stipend support for selected participants.

WHAT WORKS MOST EFFECTIVELY

The effectiveness of the project may be measured by the number of participants who have successfully completed the masters program and by the evaluation of the Gifted and Talented program including operational procedures, design, and content. During the three years the project has been in operation 29 out of 30 participants have completed their masters degree program at Oklahoma City University.

WHY IT WORKS

The staff spends quality time in recruitment and selection of potential applicants which accounts for a significant high rate of graduation among project participants. The project utilizes Indian staff as instructors each semester and incorporates numerous Indian guest lecturers. In addition, the project places heavy emphasis on student participation both on and off campus.

HOW IT WORKS

The project has designed a 36-hour master degree plan which includes 18 hours in gifted and talented education; 3 hours in research methods; 9 hours in Indian education; and 6 hours in a specific discipline. The project evaluation is conducted by an external evaluator and is based on the CIPP evaluation model. The project provides an on-campus Indian advisor for project participants.

WHAT WORKS MOST EFFECTIVELY

Since the project began on July 1, 1989, and ended on June 30, 1992, 29 out of 30 enrolled students successfully completed their course of study. Inherent in the success rate of 97 percent is the premise of need upon which the project is built and the need for Indian educators who are trained in gifted and talented education.

WHAT MAKES THE PROJECT UNIQUE?

This project is unique to the extent that it is the only one in the nation designed to train Indian participants to become gifted and talented teachers and to help increase the number of qualified and certified Indian teachers available for the gifted and talented programs throughout the country. Thus, Indian children will ultimately receive the benefits of being recognized for having the potential for gifted and talented recognition.

OIE EFFECTIVE SHOWCASE PROJECT
CENTER VI REGION

SCHOOL WITHIN-A-SCHOOL PROGRAM

Anchorage School District
4600 DeBarr Avenue
P.O. Box 196614
Anchorage, AK 99519-6614

Agnes Baptiste, Project Coordinator

PROJECT DESCRIPTION

Elitnaurvik Within East (EWE) is a program similar to the school within-a-school concept (Elitnaurvik is an Eskimo word meaning "a place to learn"). EWE is a program at East Anchorage High School which offers a curriculum with an Alaskan Native and American Indian emphasis. The program incorporates Native values, issues and learning styles into its activities, course offerings, projects and cooperative work components. EWE has widespread support from parents, community members and school administrators. The program, which is entering its fourth year, serves 225 primarily Native students.

WHAT WORKS MOST EFFECTIVELY

EWE was initiated to address the high dropout rate among Alaska Natives in the Anchorage School District. With strong support from the high school administration, the program was able to draw from several funding sources including the Indian Education Act, Johnson O'Malley, Anchorage School District, JTPA, and Cart-Gottstein, one of the most-reputable companies in the Alaskan business community.

WHY IT WORKS

A significant number of EWE participants are new to Anchorage having moved from rural villages. The transition from a Native village to Anchorage, which has a population of 225,000, can be difficult. East High School has a student population of 1,600 which is four times larger than the entire population of a typical rural Alaskan village. For many of the village students, EWE offers a supportive program to assist them with their transition. For others, the program is a valuable supplement to East High's regular program.

HOW IT WORKS

Project staff include 8 certified teachers, 1 certified coordinator, 1 Indian counselor, 1 JOM tutor, and 1 coach. Course offerings include humanities, reading lab, world and U.S. history, Alaskan studies, literature of the North and study skills. Activities include Native Culture Club, Native Youth Olympics, basketball, Pow wows, and club retreats.

HOW IT HAS PROVEN ITS EFFECTIVENESS

Since the inception of EWE, student attendance has increased by 10%, the graduation rate has increased by 10 percent, student GPAs have improved and there is noticeable improvement in student participation and attitude toward learning. EWE provides opportunity for the development of student responsibility and leadership.

WHAT MAKES THE PROJECT UNIQUE?

EWE is unique in that it has developed a program which successfully assists Native students with the transition from a small village community to an urban environment. EWE allows participants to maintain their cultural values and identity while interacting comfortably within the urban non-Native society. EWE promotes academic excellence among Native students by incorporating Alaska Native and American Indian culture into its curriculum, activities and learning styles.

APPENDIX C

INDIAN EDUCATION FUNDING, FY 1992

INDIAN EDUCATION BUDGET COMPARISONS OF FEDERAL AGENCIES BY PROGRAM, FISCAL YEARS 1986-1992

Table 25

U.S. DEPARTMENT OF EDUCATION	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992
Indian Education Act	64,187,000	64,036,000	66,326,000	71,553,000	73,620,000	75,364,000	76,570,000
Impact Aid (Maint./Op.)	221,583,918	222,904,952	234,853,559	239,355,638	243,690,065	247,314,812	250,449,020
Impact Aid (Construction)	7,200,000	Not Available	16,578,200	7,681,000	11,798,215	12,305,000	22,100,208
Indian Vocational Education	9,564,367	10,414,352	10,462,777	10,808,990	11,009,952	11,104,009	12,348,740
Vocational Education Rehabilitation	1,340,000	3,202,500	3,448,750	3,625,750	3,821,000	4,082,000	4,470,000
Minority Science Improvement Program	Not Available	877,663	710,501	548,523	1,100,970	621,966	600,000
Institutional Aid	2,252,000	1,777,000	1,569,000	4,402,000	6,585,342	7,840,109	7,294,887
Bilingual Education	Not Available	Not Available	11,286,180	11,286,180	14,194,000	13,600,000	13,800,000
Library Services for Tribes	1,658,250	1,807,500	1,803,750	1,836,525	1,814,340	1,845,360	2,410,480
Personnel Preparation	2,248,480	2,387,867	1,940,421	1,652,247	1,650,272	1,921,363	3,092,941
SUBTOTAL	310,034,015	307,407,834	348,979,138	352,749,853	369,284,156	375,998,619	393,136,276
FUNDED BY THE DEPARTMENT OF EDUCATION BUT OPERATED BY BUREAU OF INDIAN AFFAIRS							
Chapter 1 Set-Aside	22,225,000	24,800,000	27,778,851	27,344,592	25,217,025	31,276,152	34,542,059
Education of the Handicapped	11,239,059	11,517,643	16,518,643	18,286,876	18,215,420	19,044,568	22,891,184
Math and Science	500,000	215,286	400,000	598,375	686,660	678,090	1,068,986
Drug-Free Schools and Communities	-	1,945,000	2,226,512	3,475,000	5,332,000	5,665,000	5,665,000
Bilingual Education	932,405	986,952	1,117,033	1,[illegible]09	1,137,000	1,509,231	1,435,271
SUBTOTAL	34,896,464	39,464,881	48,041,039	50,[illegible]72	50,588,105	58,173,041	65,602,500
DEPT. OF EDUCATION SUBTOTAL	344,930,479	346,872,715	397,020,177	403,[illegible]25	419,872,261	434,171,660	458,738,776

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BUREAU OF INDIAN AFFAIRS

School Operations	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992
ISEP (Formula & Adjustments)	150,174,000	159,731,000	163,120,000	164,290,000	176,052,000	196,858,030	201,932,187
Institutionalized Handicapped	2,228,000	1,428,000	1,428,000	1,428,000	3,382,000	2,216,325	2,962,200
School Boards (Expense & Training)[1]	1,182,000	1,235,000	1,235,000	1,235,000	1,183,200	-	-
Student Transportation	11,139,000	11,812,000	11,962,000	11,817,000	12,489,000	15,581,501	19,016,337
Solo Parent Program	-	-	108,000	108,000	131,000	132,303	148,110
Technical Support (Agency & MIS)	8,198,000	8,900,000	8,900,000	8,807,000	6,990,000	7,356,250	7,358,105
Tribal Depts. of Education	-	-	-	-	99,000	99,476	-
Substance Abuse/Alcohol Educ.	0	5,400,000	2,400,000	2,391,000	2,330,000	2,207,372	2,437,891
Administrative Cost Grants	-	-	-	-	-	18,900,440	19,748,000
Johnson O'Malley[2]	22,053,000	22,824,000	20,351,000	23,000,000	23,252,000	24,930,675	23,589,973
SUBTOTAL	**194,974,000**	**211,330,000**	**209,504,000**	**213,076,000**	**225,908,200**	**268,282,372**	**277,192,803**

Continuing Education	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992
Postsecondary Education	8,809,000	9,577,000	13,862,000	11,386,000	12,110,000	10,252,991	11,490,993
Special Higher Education Scholarships	1,750,000	1,750,000	1,910,000	1,960,000	2,131,000	2,347,834	2,417,155
TCCC (Operations/Endowment)	11,701,000	12,853,000	13,786,000	13,900,000	15,825,000	21,927,495	23,394,468
Mansfield University	-	-	-	-	395,000	447,642	-
SUBTOTAL	**22,260,000**	**24,180,000**	**29,558,000**	**27,246,000**	**30,461,000**	**34,975,762**	**37,302,616**

Tribe/Agency Operations							
Scholarships	27,988,000	31,229,000	28,770,000	28,476,000	27,635,000	27,870,191	29,897,485
Adult Education	3,557,000	3,566,000	3,141,000	3,138,000	3,167,000	3,318,519	3,478,610
Tribal Colleges Snyder Act Supp.	892,000	1,183,000	918,000	932,000	904,000	928,111	1,046,644
Adult Vocational Training	22,074,000	21,851,000	20,980,000	17,712,000	17,646,000	16,927,000	18,059,411

BUREAU OF INDIAN AFFAIRS, cont.

Tribe/Agency Operations, cont.	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990	FY 1991	FY 1992
Other Employment Assistance	4,624,000	4,331,000	3,264,000	2,787,000	2,992,000	2,274,000	2,440,531
Forward Funding[3]	-	-	-	-	-	208,899,600	-
SUBTOTAL	**59,135,000**	**62,160,000**	**57,073,000**	**53,045,000**	**52,344,000**	**260,217,421**	**54,922,681**
Other Programs							
Ofc. of Construction (Interior)	33,884,000	48,110,000	41,160,000	33,650,000	33,710,000	40,418,000	87,784,000
IHS Scholarships (Indian Health Service)	6,499,000	5,418,000	7,646,000	7,896,000	8,799,000	12,371,000	12,151,000
Head Start (Health & Human Services)	35,819,000	39,044,000	41,640,044	41,773,791	48,256,821	56,127,205	63,597,350
Job Training Partnerships Act (DOL)	59,544,125	60,959,701	58,106,724	58,996,005	57,910,602	58,441,065	75,600,002
Institute of American Indian Arts	-	-	2,656,000	3,093,000	4,305,000	5,447,000	6,312,000
Historic Preservation Grants (Natl. Park Service)	-	-	-	-	-	919,000	950,000
Administration for Native Americans	27,742,000	28,989,000	29,679,000	29,974,988	31,710,574	31,478,406	31,689,525
TOTAL OTHER PROGRAMS	**163,488,125**	**182,520,701**	**180,887,768**	**175,383,784**	**184,691,997**	**205,201,676**	**278,083,877**
TOTAL DEPT. of EDUCATION BUDGET	**344,930,479**	**346,872,715**	**397,020,177**	**403,486,305**	**419,872,261**	**434,172,268**	**458,738,776**
TOTAL BIA EDUCATION BUDGET	**276,369,000**	**297,670,000**	**296,135,000**	**293,367,000**	**308,713,200**	**563,475,555**	**369,418,100**
TOTAL INDIAN EDUCATION BUDGET	**784,787,604**	**827,063,416**	**874,042,945**	**872,237,089**	**913,277,458**	**1,202,849,499**	**1,106,240,753**

[1] School Boards (Expenses and Training) was moved into Indian School Equalization Program in FY 1991

[2] Johnson O'Malley was moved out of its own appropriation line item to Tribe/Agency Operations in the Fiscal Year 93 budget

[3] The appropriation for forward funding was for one year only.

Source: Office of Indian Education, Bureau of Indian Affairs Budget Justification Reports, Indian Health Service Budget Justification Reports, Health and Human Services Program Reports, and Department of Labor Financial Reports, 1987-92

OFFICE OF INDIAN EDUCATION
FUNDING LEVELS BY SUBPART, FY 1989-1992

Table 26

SUBPART 1	FY 89	FY 90	FY 91	FY 92
Local Education Agencies	$ 49,248,000	$ 50,825,000	$ 53,258,983	$ 53,965,000
Indian Controlled Schools (ICS's)	3,500,000	3,451,000	2,999,961	3,000,000
Subpart 1 Subtotal	**$ 52,748,000**	**$ 54,276,000**	**$ 56,258,944**	**$ 56,965,000**
SUBPART 2				
Education Services for Indian Children	$ 3,710,000	$ 4,138,000	$ 4,045,000	$ 3,965,000
Planning, Pilot & Demonstration	1,935,000	1,841,000	1,895,000	1,871,000
Indian Fellowships	1,600,000	1,587,000	1,570,000	1,550,000
Educational Personnel Development	2,262,000	2,230,000	2,214,000	2,384,000
Indian Technical Assistance Centers	2,300,000	2,268,000	2,268,000	2,268,000
Gifted & Talented Program	500,000	493,000	0	0
Subpart 2 Subtotal	**$ 12,307,000**	**$ 12,557,000**	**$ 11,992,000**	**$ 12,038,000**
SUBPART 3				
Educational Services for Indian Adults	$ 4,000,000	$ 4,078,000	$ 4,226,000	$ 4,349,000
Planning, Pilot & Demonstration	0	0	0	0
Subpart 3 Subtotal	**$ 4,000,000**	**$ 4,078,000**	**$ 4,226,000**	**$ 4,349,000**

SUBPART 4	FY 89	FY 90	FY 91	FY 92
Office of Indian Education	$ 2,206,000	$ 2,403,000	$ 2,545,000	$ 2,844,000
NACIE	292,000	306,000	342,000	374,000
Subpart 4 Subtotal	**$ 2,498,000**	**$ 2,709,000**	**$ 2,887,000**	**$ 3,218,000**
INDIAN EDUCATION TOTALS	**$ 71,553,000**	**$ 73,620,000**	**$ 75,364,000**	**$ 76,570,000**

Source: Office of Indian Education Budget Justification Reports, Fiscal Years 1989-1992 and Program files.

INDIAN EDUCATION ACT

Subpart 1 Appropriations, 1973-1992

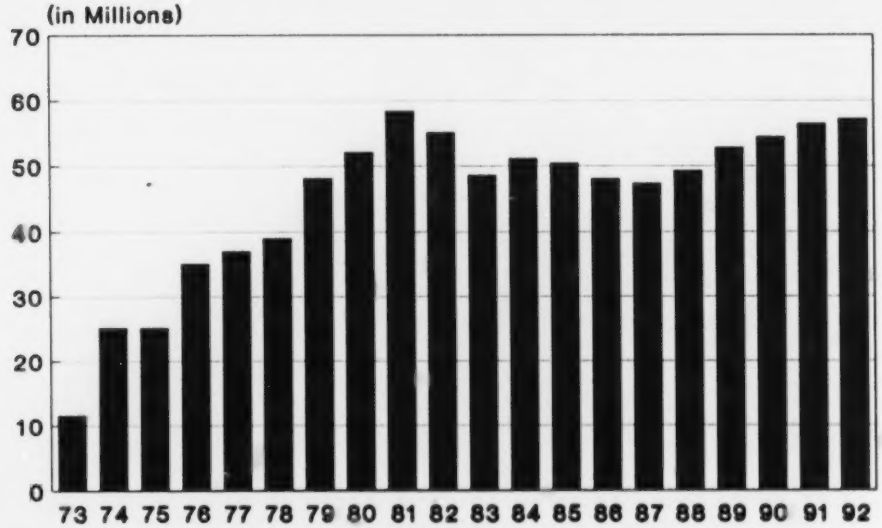

FIGURE 1

INDIAN EDUCATION ACT

Subpart 2 Appropriations, 1973-1992

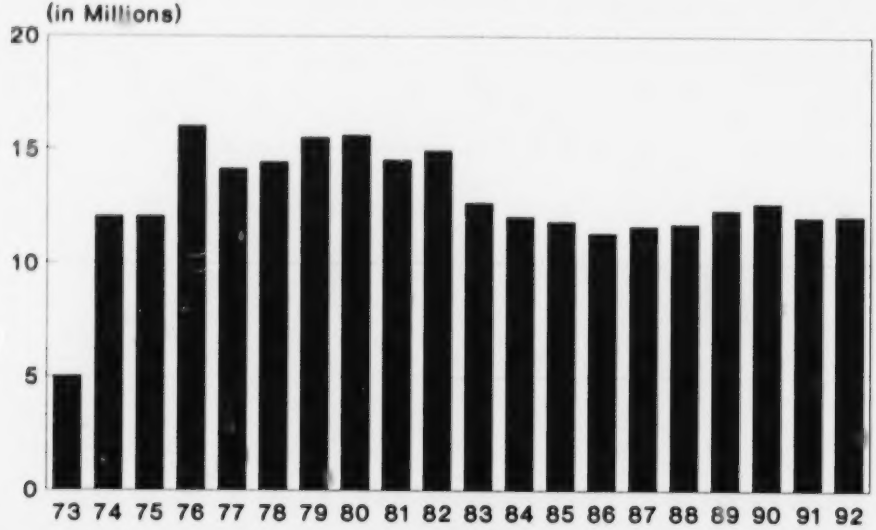

FIGURE 2

INDIAN EDUCATION ACT

Subpart 3 Appropriations, 1973-1992

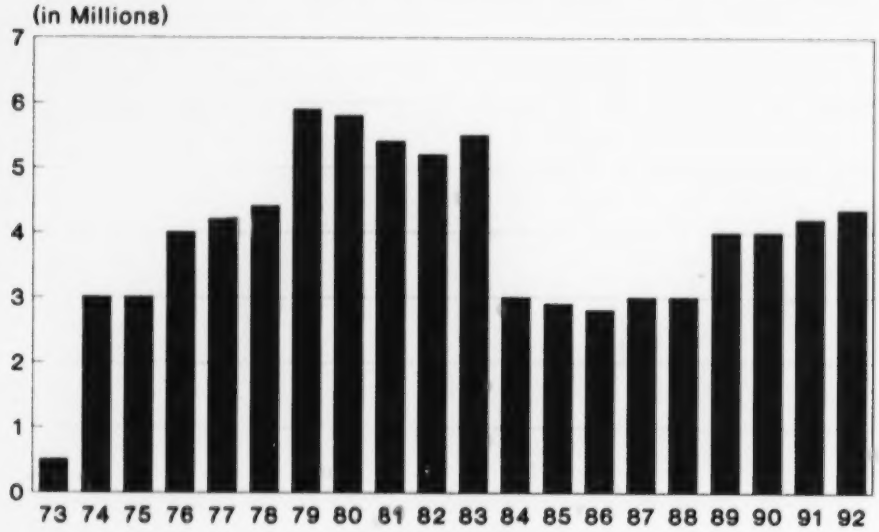

FIGURE 3

INDIAN EDUCATION ACT

Subpart 4 Appropriations, 1973-1992

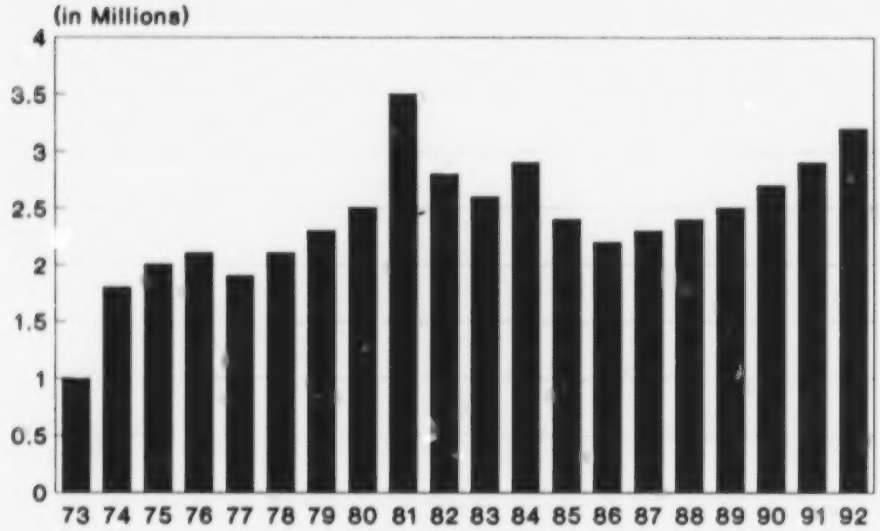

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FIGURE 4

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INDIAN EDUCATION ACT

Appropriations 1973-1992

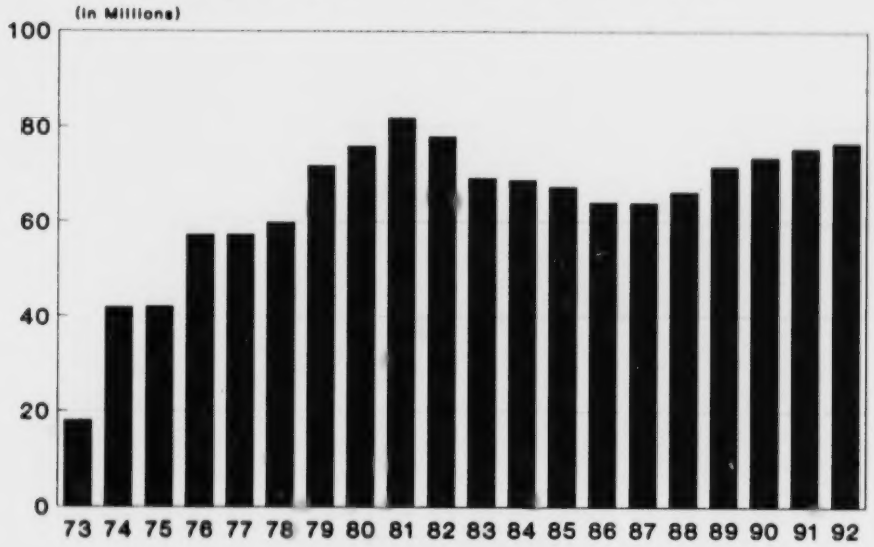

FIGURE 5

1990 CENSUS and FY 1992 FEDERAL INDIAN EDUCATION SPENDING

Comparison of 5-18 Year Old American Indians/Alaska Natives and Funds Generated by Program & Student Count

Table 27

STATE	90 CENSUS	INDIAN ED SUBPART 1 Students	SUBPART 1 FUNDS	JOHNSON O'MALLEY Students	J.O.M. FUNDS	IMPACT AID Students	IMPACT AID FUNDS	TOTAL FUNDS
AL	4,987	11,220	$ 1,079,861	330	$ 32,900	-	-	$ 1,112,761
AK	24,140	23,225	$ 6,898,941	26,958	$ 3,430,400	11,316	$ 49,385,291	$ 59,714,632
AR	2,969	920	$ 102,702	-	-	-	-	$ 102,702
AZ	62,358	51,554	$ 6,852,673	44,569	$ 4,441,300	31,574	$ 57,252,642	$ 68,546,615
CA	57,265	30,549	$ 4,441,657	5,587	$ 556,700	5,198	$ 7,692,948	$ 12,691,305
CO	7,039	2,370	$ 383,196	760	$ 75,700	616	$ 939,399	$ 1,398,295
CT	1,368	119	$ 29,816	54	$ 6,100	51	$ 106,899	$ 142,815
DE	415	-	-	-	-	-	-	-
DC	193	-	-	-	-	-	-	-
FL	7,502	419	$ 74,964	567	$ 56,500	263	$ 228,752	$ 360,216
GA	2,775	-	-	-	-	-	-	-

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STATE	90 CENSUS	INDIAN ED SUBPART 1 Students	SUBPART 1 FUNDS	JOHNSON O'MALLEY Students	J.O.M. FUNDS	IMPACT AID Students	IMPACT AID FUNDS	TOTAL FUNDS
HI	1,156	-	-	-	-	-	-	-
ID	3,939	2,043	$ 198,403	1,986	$ 197,900	1,505	$ 1,980,486	$ 2,376,789
IL	4,864	824	$ 85,085	-	-	-	-	$ 85,085
IN	3,009	113	$ 15,949	-	-	-	-	$ 15,949
IA	2,116	417	$ 115,313	540	$ 53,800	128	$ 134,253	$ 303,366
KS	5,722	1,558	$ 265,277	60	$ 6,000	210	$ 259,220	$ 530,497
KY	1,206	-	-	-	-	-	-	-
LA	5,203	3,743	$ 466,797	106	$ 10,600	2	$ 1,637.14	$ 479,034.14
ME	1,657	453	$ 81,619	277	$ 27,600	0	$ 0	$ 109,219
MD	2,713	880	$ 177,683	-	-	-	-	$ 177,683
MA	2.756	583	$ 89,473	-	-	-	-	$ 89,473
MI	15,096	12,676	$ 2,413,858	4,039	$ 402,500	719	$ 1,332,028.52	$ 4,148,386.52
MN	14,955	11,954	$ 1,938,780	7,862	$ 783,500	3,173	$ 5,605,622	$ 8,327,902
MS	2,583	1,379	$ 135,244	349	$ 34,800	446	$ 375,797	$ 567,255
MO	4,567	128	$ 38,481	13	$ 1,300	-	-	$ 39,781

STATE	90 CENSUS	INDIAN ED SUBPART 1 Students	SUBPART 1 FUNDS	JOHNSON O'MALLEY Students	J.O.M. FUNDS	IMPACT AID Students	IMPACT AID FUNDS	TOTAL FUNDS
MT	14,640	11,432	$ 1,865,052	9,057	$ 902,500	8,293	$ 20,858,582	$ 23,626,134
NE	3,888	2,109	$ 335,956	1,904	$ 189,700	955	$ 3,021,918	$ 3,547,574
NV	4,698	3,330	$ 467,302	2,274	$ 226,600	1,792	$ 1,636,361	$ 2,330,263
NH	458	-	-	-	-	-	-	-
NJ	2,986	363	$ 103,133	-	-	-	-	$ 103,133
NM	40,650	36,680	$ 4,309,015	34,651	$ 3,453,000	19,839	$ 32,002,455	$ 39,764,470
NY	14,392	4,374	$ 1,155,125	2,131	$ 269,500	-	-	$ 1,424,625
NC	21,222	16,720	$ 2,252,942	270	$ 26,900	811	$ 1,064,387	$ 3,344,229
ND	8,614	7,612	$ 1,017,335	3,659	$ 364,600	2,516	$ 4,391,349	$ 5,773,284
OH	4,336	310	$ 37,923	-	-	-	-	$ 37,923
OK	73,514	72,145	$ 8,496,129	49,090	$ 4,891,800	14,721	$ 18,592,988	$ 31,980,917
OR	10,285	6,310	$ 1,158,402	2,853	$ 284,300	1,297	$ 3,093,284	$ 4,535,986
PA	2,971	-	-	-	-	-	-	-
RI	1,049	212	$ 41,770	453	$ 45,100	-	-	$ 86,870
SC	1,900	-	-	-	-	-	-	-

STATE	90 CENSUS	INDIAN ED SUBPART 1 Students	SUBPART 1 FUNDS	JOHNSON O'MALLEY Students	J.O.M. FUNDS	IMPACT AID Students	IMPACT AID FUNDS	TOTAL FUNDS
SD	17,238	14,733	$ 1,793,055	11,199	$ 1,116,000	5,652	$ 12,534,628	$ 15,443,683
TN	2,043	-	$ 4,850	-	-	-	-	$ 4,850
TX	14,907	912	$ 112,038	448	$ 44,600	71	$ 57,773.69	$ 214,411.69
UT	7,951	5,543	$ 454,815	2,282	$ 227,400	2,561	$ 3,981,036	$ 4,663,251
VT	462	528	$ 110,166	-	-	-	-	$ 110,166
VA	2,899	90	$ 13,201	-	-	-	-	$ 13,201
WA	22,260	17,311	$ 2,682,571	7,363	$ 733,700	6,483	$ 10,820,620	$ 14,236,891
WV	493	-	-	-	-	-	-	-
WI	11,471	8,028	$ 1,482,759	5,363	$ 534,400	3,363	$ 7,198,729	$ 9,215,888
WY	2,935	1,932	$ 365,692	1,627	$ 162,100	1,449	$ 5,901,274.66	$ 6,429,066
TOTAL	**530,815**	**368,146**	**$ 53,936,003**	**228,681**	**$ 23,589,800**	**125,004**	**$ 250,449,020**	**$ 327,974,823**

Source: U.S. Bureau of the Census, The younger American Indian, Eskimo and Aleut Population of the United States by Age and Sex for Regions and States: 1990; Office of Indian Education program files for FY 1992; Bureau of Indian Affairs Budget Justification, 1993; Dept. of Education, Impact Aid program files, FY 1992

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APPENDIX D

NACIE ALUMNI, 1972-1992

NACIE ALUMNI

Membership on the National Advisory Council on Indian Education (NACIE) changes when a President makes new appointments. Individuals are appointed to the Council from lists of nominations submitted to the White House by Indian tribes and tribal organizations. Since 1972, a total of 74 American Indian/Alaska Natives have served on the NACIE.

The following is a list of individuals in alphabetical order who have served on NACIE. This listing does not reflect the 12 Members currently serving:

1. Joseph Abeyta
2. Ellen Allen
3. Ron Andrade
4. Will Antell
5. Andrea Barlow
6. Linda Belarde
7. Bobby Bighorse
8. Fred Bigjim
9. Wesley Bonito
10. Lionel Bordeaux
11. Bob Brewington
12. Terrance Brown
13. Louis R. Bruce
14. Nadine Chase
15. Robert Chiago
16. Marie Cox
17. Dennis Demmert
18. Gloria Duus
19. Maxine Edmo
20. Gregory Frazier
21. Theordore George
22. Ann Coleman Glenn
23. Grace Goodeagle
24. Joy Hanley
25. Christina Harte
26. Genevieve Hooper
27. Calvin Isaac
28. W. Stanley Juneau
29. Sue Lallmang
30. Omar Lane
31. Ruby Ludwig
32. Danny Marshall
33. Waldo "Buck" Martin
34. Francis McKinley
35. Patricia McGee
36. Wayne Newell
37. Fred Nicol, Jr.
38. Daniel Peaches
39. Viola Peterson
40. Dr. Paul Platero
41. Earl Oxendine
42. Violet Rau
43. Donna Rhodes
44. David Risling
45. John Rouillard
46. Evalu Russell
47. James Sappier
48. Thomas Sawyer
49. Dr. Helen Scheirbeck
50. Geraldine Simplicio
51. Clarence Skye
52. Fred Smith
53. Mike Stepetin
54. Robert Swan
55. Edward K. Thomas
56. Thomas H. Thompson
57. Boyce Timmons
58. Karma Torklep
59. Joseph Upickson
60. Minerva White
61. Noah Woods
62. Robert Youngdeer

The following are a list of past NACIE Executive Directors:

1. Dwight Billedeaux
2. Michael Doss
3. Jo Jo Hunt
4. Stuart A. Tonemah
5. Lincoln White

The terms of NACIE members are normally for three years and usually expire on the 29th of September of the end of the third year. Some NACIE members have been reappointed by a President. Several NACIE members were appointed by more than one President. The following is a list of NACIE alumni by year, name and President who appointed them.

NACIE members during the first four years were appointees of President Nixon.

1st Year
1. Joseph Upickson
2. Ellen Allen
3. Will Antell
4. Theodore George
5. Ann Coleman Glenn
6. Genevieve Hooper
7. Sue Lallmang
8. Patricia McGee
9. Daniel Peaches
10. David Risling
11. Geraldine Simplicio
12. Clarence Skye
13. Fred Smith
14. Boyce Timmons
15. Karma Torklep

2nd Year
1. Will Antell
2. Ellen Allen
3. Theodore George
4. Ann Coleman
5. Genevieve Hooper
6. Sue Lallmang
7. Patricia McGee
8. Daniel Peaches
9. David Risling
10. Geraldine Simplicio
11. Clarence Skye
12. Fred Smith
13. Boyce Timmons
14. Karma Torklep
15. Joseph Upickson

3rd Year
1. Theodore George
2. Ellen Allen
3. Will Antell
4. Ann Coleman
5. Genevieve Hooper
6. Sue Lallmang
7. Patricia McGee
8. Daniel Peaches
9. David Risling
10. Clarence Skye
11. Fred Smith
12. Geraldine Smith
13. Boyce Timmons
14. Karma Torklep
15. Joseph Upickson

4th Year
1. Theodore George
2. Ellen Allen
3. Will Antell
4. Ann Coleman Glenn
5. Genevieve Hooper
6. Sue Lallmang
7. Patricia McGee
8. Daniel Peaches
9. David Risling
10. Clarence Skye
11. Fred Smith
12. Geraldine Smith

13. Boyce Timmons
14. Karma Torklep
15. Joseph Upickson

NACIE members from the fifth through ninth years were appointees of President Carter.

5th Year
1. Thomas A. Thompson
2. Joe Abeyta
3. Ellen Allen
4. Will Antell
5. Linda S. Belarde
6. Wesley Bonito
7. Theodore George
8. Calvin Isaac
9. Patricia McGee
10. Earl H. Oxendine
11. Paul Platero
12. David Risling
13. Donna F. Rhodes
14. James G. Sappier
15. Minerva C. White

6th Year
1. Viola G. Peterson
2. Joe Abeyta
3. Ellen Allen
4. Will Antell
5. Linda Belarde
6. Wesley Bonito
7. Theodore George
8. Calvin Issac
9. Patricia McGee
10. Earl Oxendine
11. Paul Platero
12. Donna F. Rhodes
13. David Risling
14. James Sappier
15. Minerva C. White

7th Year
1. Robert J. Swan
2. Fred Bigjim
3. Wesley Bonito
4. Lionel Bordeaux
5. Maxine Edmo
6. Joy Hanley
7. Ruby Ludwig
8. Patricia McGee
9. Wayne Newell
10. Earl Oxendine
11. Viola Peterson
12. Violet Rau
13. John Rouillard
14. Thomas A. Thompson
15. Minerva White

8th Year
1. Helen M. Redbird
2. Bobby Bighorse
3. Nadine H. Chase
4. Maxine R. Edmo
5. Gregory W. Frazier
6. Joy Hanley
7. W. Stanley Juneau
8. Ruby Ludwig
9. Danny K. Marshall
10. Francis McKinley
11. Wayne A. Newell
12. John Rouillard
13. Robert J. Swan
14. Edward K. Thomas
15. Noah Woods

9th Year
1. Bobby Bighorse
2. Nadine H. Chase
3. Maxine R. Edmo
4. Gregory W. Frazier
5. Jay Hanley
6. W. Stanley Juneau
7. Ruby Ludwig
8. Danny K. Marshall
9. Francis McKinley
10. Wayne A. Newell

11. Helen M. Redbird
12. John Rouillard
13. Robert J, Swan
14. Edward K. Thomas
15. Noah Woods

NACIE members from the tenth through nineteenth years were appointees of President Reagan.

10th Year
1. Robert B. Brewington
2. Terrance J. Brown
3. Louis R. Bruce
4. Dennis Demmert
5. Christine C. Harte
6. Fred Nicol, Jr.
7. Thomas E. Sawyer
8. Clarence Skye
9. Michael L. Stepetin
10. Eddie L. Tullis

11th Year
1. Robert B. Brewington
2. Terrance J. Brown
3. Louis R. Bruce
4. Robert Chiago
5. Marie Cox
6. Dennis Demmert
7. Grace Goodeagle
8. Christina C. Harte
9. Fred Nicol, Jr.
10. Evalu Russell
11. Thomas Sawyer
12. Clarence Skye
13. Michael Stepetin
13. Eddie L. Tullis
14. Robert Youngdeer

12th Year
1. Robert Brewington
2. Louis R. Bruce
3. Robert Chiago
4. Marie Cox
5. Gloria Duus
6. Grace Goodeagle
7. Christina Hart
8. Waldo "Buck" Martin
9. Fred Nicol, Jr.
10. Evalu Russell
11. Thomas Sawyer
12. Clarence Skye
13. Michael Stepetin
14. Eddie L. Tullis
15. Robert Youngdeer

13th Year
1. Robert Brewington
2. Louis R. Bruce
3. Robert Chiago
4. Marie Cox
5. Gloria Duus
6. Grace Goodeagle
7. Christina Harte
8. Waldo "Buck" Martin
9. Fred Nicol, Jr.
10. Evalu Russell
11. Thomas Sawyer
12. Clarence Skye
13. Michael Stepetin
14. Eddie L. Tullis
15. Robert Youngdeer

14th Year
1. Andrea Barlow
2. Louis R. Bruce
3. Robert Chiago
4. Marie Cox
5. Gloria Duus
6. Rev. James A. Hunt
7. Waldo "Buck" Martin
8. Fred Nicol, Jr.
9. Evalu Russell
10. Thomas Sawyer
11. Jim Shore
12. Clarence W. Skye

13. Michael Stepetin
14. Eddie Tullis
15. Robert Youngdeer

15th Year

1. Omar J. Lane
2. Andrea Barlow
3. Louis R. Bruce
4. Robert Chiago
5. Marie Cox
6. Gloria Duus
7. Rev. James A. Hunt
8. Waldo "Buck" Martin
9. Dr. Margaret Nelson
10. Dr. Helen M. Scheirbeck
11. Evalu Russell
12. Jim Shore
13. Clarence W. Skye
14. Eddie Tullis
15. Robert Youngdeer

16th Year

1. Ronald P. Andrade
2. Andrea L. Barlow
3. Robert K. Chiago
4. Marie C. Cox
5. Gloria A.Duus
6. Joan K. Harte
7. Rev. James A. Hunt
8. Omar J. Lane
9. Waldo "Buck" Martin
10. Dr. Margaret F. Nelson
11. Dr. Helen M. Scheirbeck
12. Jim Shore
13. Clarence W. Skye
14. Eddie L. Tullis
15. Darius "Kanie" St. Paul

17th Year

1. Ronald P. Andrade
2. Andrea L. Barlow
3. Robert K. Chiago
4. Marie C. Cox
5. Gloria A. Duus
6. Joan K. Harte
7. Rev. James A. Hunt
8. Omar J. Lane
9. Waldo "Buck" Martin
10. Dr. Margaret F. Nelson
11. Dr. Helen M. Scheirbeck
12. Darius "Kanie" St. Paul
13. Jim Shore
14. Eddie L. Tullis

18th Year

1. Ronald P. Andrade
2. Andrea L. Barlow
3. Robert K. Chiago
4. Marie C. Cox
5. Gloria A. Duus
6. Joan K. Harte
7. Rev. James A. Hunt
8. Omar J. Lane
9. Waldo "Buck" Martin
10. Dr. Margaret F. Nelson
11. Dr. Helen M. Scheirbeck
12. Darius "Kanie" St. Paul
13. Jim Shore
14. Eddie L. Tullis

19th Year

1. Ronald P. Andrade
2. Andrea L. Barlow
3. Marie C. Cox
4. Joan K. Harte
5. Rev. James A. Hunt
6. Omar J. Lane
7. Dr. Margaret F. Nelson
8. Dr. Helen M. Scheirbeck
9. Darius "Kanie" St. Paul
10. Jim Shore
11. Eddie L. Tullis

NACIE's twentieth year included appointments made by President Bush.

20th Year - 21st Year
Current membership excluding Rev. James A. Hunt who resigned on January 9, 1993.

1. William D. Edmo, Sr. *
2. Joan K. Harte
3. Josephus D. Jacobs *
4. Sergio A. Maldonado *
5. Theresa Farley Neese *
6. Dr. Margaret F. Nelson
7. Darius "Kanie" St. Paul
8. Jim Shore
9. Ramona Tecumseh *
10. Eddie L. Tullis *
11. Francis G. Whitebird*
12. Albert A. Yazzie *

*** President Bush appointees**

It should be noted that the membership of NACIE often changes in mid-year which means that new appointments are not necessarily made at the beginning of a particular year or fiscal year. The above list does not reflect specific appointment dates.

APPENDIX E

FY 1992 FEDERAL REGISTER NOTICES

DEPARTMENT OF EDUCATION

INDIAN EDUCATION NATIONAL ADVISORY COUNCIL; MEETING

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: Thursday, November 7, 1991, 9 a.m. to approximately 5 p.m. (closed) and Friday, November 8, 1991, 9 a.m. to approximately 4 p.m. (open).

ADDRESSES: Holiday Inn Capitol, 550 C Street SW., Washington, DC 20024, Telephone: 202/479-4000.

FOR FURTHER INFORMATION CONTACT: John Cheek, Office Manager, National Advisory Council on Indian Education, 330 C Street SW., room 4072, Switzer Building, Washington, DC 20202-7556. Telephone: 202/732-1353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (part C, title V, Public Law 100-297) and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit.

The Council is conducting a search to appoint a permanent Executive Director to serve as the chief staff member of the Council. The full Council will meet in closed session from 9 a.m. until approximately 5 p.m. on November 7, 1991, to conclude the Executive Director search process. The agenda for the closed portion of the meeting will consist of a discussion of the Search Committee's recommendation regarding the candidates and the questions and guidelines to be used in the interviews, actual interviews with candidates, and a discussion involving a final decision on the appointment of a permanent Executive Director for the Council.

Interviews with the candidates and discussions held in conjunction with the selection process will involve matters which relate solely to the internal personnel rules and practices of this Council and are likely to disclose information of a personnel nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of section 552b(c) of the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c)).

A summary of activities of the closed portion of the meeting and related matters which are informative to the public consistent with the policy of title 5 U.S.C. 552b will be available to the public within 14 days of the meeting.

The full Council will meet in open session on Friday, November 8, 1991 from 9 a.m. to approximately 4 p.m. for an informational business meeting. This portion of the meeting is open to the public and will include a staff report, presentation from Dr. John Tippeconnic, Director, Office of Indian Education, staff report from the Bureau of Indian Affairs Higher Education Office, Alan Lovesee, House Education and Labor Committee, and Donna Leno, Indian Health Service.

Records shall be kept of all Council proceedings open to the public and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 330 C Street SW., room 4072, Washington, DC 20202-7556.

John T. MacDonald,
Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 91-25676 Filed 10-24-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

INDIAN EDUCATION NATIONAL ADVISORY COUNCIL; MEETING

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: Tuesday, January 21, 1992, 9 a.m. to approximately 5 p.m.

ADDRESSES: Ramada Renaissance at Techworld, 999 Ninth Street NW., Washington, DC 20001-9000. Telephone: 202/898-9000.

FOR FURTHER INFORMATION CONTACT: Robert K. Chiago, Executive Director, National Advisory Council on Indian Education, 330 C Street SW., room 4072, Switzer Building, Washington, DC 20202-7556. Telephone: 202/732-1353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (part C, title V, Pub. L. 100-297) and to advise Congress and the Secretary of Education with regard to Federal education programs in which Indian children or adults participate or from which they can benefit.

The meeting is open to the public. The agenda includes reports by the Chairman and the Executive Director; a review of items to be included in the Fiscal Year 1991 Annual Report to Congress; the development of Council initiatives and workplan for the remainder of the 1992 fiscal year; and finalizing a work agenda for the White House Conference on Indian Education, January 22-24, 1992. Guest presenters will include Mr. Buck Martin, Director, White House Conference on Indian Education, Dr. John Tippeconnic, Director, Office of Indian Education and a representative from the Department of the Interior.

Records shall be kept of all Council proceedings open to the public and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 330 C Street SW., room 4072, Washington, DC 20202-7556.

Dated: December 19, 1991.
Robert K. Chiago,
Executive Director, National Advisory Council on Indian Education.

[FR Doc. 91-30743 Filed 12-24-91; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

INDIAN EDUCATION NATIONAL ADVISORY COUNCIL; MEETING

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIME: March 17-20, 1992, from 9 a.m. to approximately 5 p.m. each day. The open portion of the meeting will be held on March 20, 1992 from 2 p.m. to 5 p.m.

ADDRESSES: The closed portion of the meeting will be held at the Vista International Hotel, 1400 M St. NW., Washington, DC 20005, (202) 429-1700. The open portion of the meeting will be held at the National Advisory Council on Indian Education conference room, located at 330 C St. SW., room 4099C, Washington, DC 20202-7556, (202) 732-1353.

FOR FURTHER INFORMATION CONTACT: Robert K. Chiago, Executive Director, National Advisory Council on Indian Education, 330 C Street, SW., room 4072, Switzer Building, Washington, DC 20202-7556. Telephone: 202/732-1353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (Part C, title V. Pub. L. 100-297) and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit.

Under section 5342(b)(2) of the Indian Education Act, the Council is directed to review applications for assistance and to make recommendations to the Secretary of Education with respect to their approval. The duly authorized Proposal Review Committee of the Council will meet in closed session starting at approximately 9 a.m. and will end at approximately 5 p.m. during both proposal review sessions. The March 17-18 agenda includes reviewing grant applications for assistance under programs

authorized by subparts 1, 2, and 3 of the Indian Education Act, including applications for (1) Discretionary Grants to Indian Controlled Schools; (2) Educational Services for Indian Children; and (3) Educational Services for Indian Adults.

The March 19-20 agenda will include reviewing grant applications from individuals for assistance under the fellowship program authorized by subpart 2 of the Indian Education Act.

The discussion during the review process may disclose sensitive information about applicants, qualifications of proposed staff, funding levels and requests, and the names and comments of expert reviewers. Such discussion would disclose commercial or financial information obtained from a person or organization which is privileged or confidential and would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (4) and (6) of section 552b(c) of the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c)).

In addition to the proposal review, the Annual Report Committee of the National Advisory Council on Indian Education will meet in open session on March 20, 1992 from 2 p.m. to 5 p.m. at 330 C St. SW., in room 4099C, Washington, DC to review the Annual Report to the U.S. Congress for fiscal year 1991.

The public is being given less than 15 days notice due to problems in scheduling these meetings. A summary of activities of the closed meeting which are informative to the public consistent with the policy of title 5 U.S.C. 552b and proceedings from the open portion of the meeting shall be available for public inspection within 14 days of the meeting at the office of the National Advisory Council on Indian Education located at 330 C Street SW., room 4072, Washington, DC 20202-7556.

Dated: March 3, 1992.

Robert K. Chiago,
Executive Director, National Advisory Council on Indian Education.

[FR Doc. 92-5324 Filed 3-5-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

INDIAN EDUCATION NATIONAL ADVISORY COUNCIL; MEETING

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES: May 21-22, 1992. On May 21, Thursday, the Council will meet from 9 a.m. to approximately 2:30 p.m. On May 22, Friday, the Council will meet from 9 a.m. to approximately 5:00 p.m.

ADDRESSES: The May 21, 1992 meeting location will be at the Mary E. Switzer Building, 330 C Street SW., room 5090, Washington, DC 20202, (202) 732-1353. The May 22, 1992 meeting will be held at 400 Maryland Avenue SW., Barnard Auditorium, room 1134, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Robert K. Chiago, Executive Director, National Advisory Council on Indian Education, 330 C Street, SW., room 4072, Switzer Building, Washington, DC 20202-7556. Telephone: 202/732-1353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (part C, title V, Pub. L. 100-297) and to advise Congress and the Secretary of Education with regard to Federal education programs in which Indian children or adults participate or from which they can benefit.

Thursday's meeting agenda includes orientation of newly appointed Council Members, review of Council functions and mandates, and ethics training by the Department of Education, Office of General Council and Committee Management staff. Additionally, personnel from the Department of Education, Office of Indian Education and the Bureau of Indian Affairs, Office of Indian Education Programs will brief Council Members on the goals and objectives of their respective offices.

Friday's agenda includes an issue session for all Council Members. The intent of this review will be to look at the future direction of NACIE and to discuss pertinent matters affecting Indian education. Election of officers for those vacancies resulting from new Council appointments will take place prior to adjournment on Friday.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Indian Education located at 330 C Street SW., room 4072, Washington, DC 20202-7556 from the hours of 9 a.m. to 4:30 p.m. Monday through Friday, except holidays.

Dated: April 24, 1992.

Robert K. Chiago,
Executive Director, National Advisory Council on Indian Education.

[FR Doc. 92-10006 Filed 4-28-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

INDIAN EDUCATION NATIONAL ADVISORY COUNCIL; MEETING

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIME: June 16-19, 1992, from 9 a.m. to approximately 5 p.m. each day.

ADDRESSES: The meeting will be held at the Vista International Hotel, 1400 M St. NW., Washington, DC 20005, (202) 429-1700.

FOR FURTHER INFORMATION CONTACT: Robert K. Chiago, Executive Director, National Advisory Council on Indian Education, 330 C Street, S.W., Room 4072, Switzer Building, Washington, DC 20202-7556. Telephone: 202/732-1353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (part C, title V, Pub. L. 100-297) and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit.

Under section 5342(b)(2) of the Indian Education Act, the Council is directed to review applications for assistance and to make recommendations to the Secretary of Education with respect to their approval. The duly authorized Proposal Review Committee of the Council will meet in closed session starting at approximately 9 a.m. and will end at approximately 5 p.m. each day during the proposal review session. The agenda includes reviewing grant applications for assistance under programs authorized by Subpart 2 of the Indian Education Act, including applications for (1) Educational Personnel Development Programs and (2) Planning, Pilot, and Demonstration Projects.

The discussion during the review process may disclose sensitive information about applicants, qualifications of proposed staff, funding levels and requests, and the

names and comments of expert reviewers. Such discussion would disclose commercial or financial information obtained from a person and is privileged or confidential and would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (4) and (6) of section 552b(c) of the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c)).

The public is being given less than 15 days notice due to problems in scheduling this meeting.

Records are kept of all Council proceedings, and are available for public inspection. A summary of activities of this closed meeting which are informative to the public consistent with the policy of title 5 U.S.C. 552b shall be available for public inspection within 14 days of the meeting at the office of the National Advisory Council on Indian Education located at 330 C Street SW., room 4072, Washington DC 20202-7556 from the hours of 9 a.m. to 4:30 p.m. Monday through Friday, except holidays.

Dated: May 27, 1992.

Robert K. Chiago
Executive Director, National Advisory Council on Indian Education.

[FR Doc. 92-12775 Filed 5-29-92; 8:45 am]

BILLING CODE 4000-01-M

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION
19th Annual Report to Congress
March 1993

ED/OESE93-19 INDIAN EDUCATION: A FEDERAL ENTITLEMENT